CHIEF'S PREFACE

The Pacific Grove Police Department Policy Manual provides the framework and guidance to perform our law enforcement mission. This manual cannot predict every aspect of policing nor anticipate all possible situations that one may encounter. It should be considered a living document as it will change as laws change, court decisions are made or improvements in best practices are implemented. It does establish expected performance for all departmental members.

All employees are required to familiarize themselves with the content in this manual and when necessary, seek guidance and clarification from a supervisor.

Policing involves a partnership with the community. Each employee plays an essential role in building, implementing and maintaining that partnership. Jointly we will work cooperatively to identify and solve problems and or issues within the department and the community to improve the delivery of service and maintain the quality of life in our city. In our interactions with one another and with the public it is paramount that we remain professional and consider how our actions or conduct may impact others.

As the Chief of Police it is my responsibility to clarify any sections of this manual if the need so arises. If you have any recommendations for constructive change to improve efficiency, improve services or to clarify any part of this manual you are encouraged to do submit those recommendations.

Policing is a very noble profession. It is an honor to serve as your Chief of Police.

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CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT AND ORGANIZATIONAL PRINCIPLES

Mission

To provide exceptional public safety service and enhance the quality of life in our community.

Vision

To achieve a culture of excellence by partnering with our community, respecting the rights and dignity of all people, and providing professional public safety service through integrity and accountability.

Motto

"Our Community, Your Police"

Values

Excellence - We will promote the common good, uphold the public trust, and leave the Department greater and better than when entrusted to us.

Excellence means we:

- Strive for excellence in everything we do
- Are responsible and dependable for the success of the department
- Take initiative and seek challenges
- Commit to our mission and values

Community - We will commit to partnering with our community and deliver excellent public safety services.

Community means we:

- Are empathetic and compassionate in dealing with people
- Treat problems as important
- Follow through on promises - if we set an expectation, we meet or exceed it
- Foster cooperation and collaboration with the public

Respect - We will respect the rights and dignity of all people.

Respect means we:

- Act consistently with our values and expectations
- Let compassion and courtesy guide our actions
- Have respect for all people, their ideas and opinions
- Apply rules, regulations and laws in an unbiased manner

Professionalism - We will exemplify professionalism in all we do as public employees.

Professionalism means we:

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- Lead by example and do the right thing
- Are willing to go beyond traditional expectations
- Set a positive example in our personal and professional lives

Integrity - We will be accountable to ourselves, the public, and the law enforcement profession.

Integrity means we:

- Are honest
- Admit mistakes and take corrective actions
- Do what we say we will do
- Behave consistently with our Department values

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

It is the policy of the Pacific Grove 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 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).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE PACIFIC GROVE POLICE DEPARTMENT

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

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

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

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

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

(e) In compliance with an arrest warrant.

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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 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE PACIFIC GROVE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Pacific Grove 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.

100.3.4 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:

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(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Pacific Grove 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 (adult and juvenile) clearly established rights under the United States and California Constitutions.

100.6 INTERVIEWS, INTERROGATIONS AND ACCESS TO COUNSEL

All members shall assure compliance with all applicable constitutional requirements when conducting in-house and field interviews, interrogations and access to counsel when entitled to counsel and when counsel is requested.

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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).

101.2 CHIEF OF POLICE

The Chief of Police is appointed by the City Manager with the confirmation of the City Council, under provisions of the City of Pacific Grove Municipal Code.

The Chief of Police shall be the chief executive officer of the Police Department and is responsible for planning, organizing, controlling and directing the personnel and resources of the Department. The Chief of Police shall be responsible for the execution of all laws and ordinances and the rules governing the Police Department. The Chief of Police shall have the power to issues such orders to the Police Department as may be deemed proper.

Additional responsibilities include: Maintaining the integrity of the Department and investigating all complaints against police employees, coordinating and implementing crime-prevention activities, relating public information by maintaining open communications and relationships with local media personnel.

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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. Officers of the Pacific Grove Police Department are sworn to enforce the law and uphold the Federal and State Constitutions and municipal laws of the city of Pacific Grove.

102.1.1 LAW ENFORCEMENT CODE OF ETHICS

Upon enrollment, all sworn members shall be required to affirm the law enforcement Code of Ethics. A signed copy will become part of the member's personnel file per POST Regulations, § 1013.

102.2 POLICY

It is the policy of the Pacific Grove 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.

I do further swear (or affirm) that in all matters concerning the City, I shall strive to promote the common good, to uphold the public trust, without fear or favor of any person, and to leave the City greater and better than it was when entrusted to me."

102.3.2 CIVILIAN LOYALTY OATH/ AFFIRMATION

Upon employment, all civilian employees shall be required to affirm their commitment to the loyalty oath of the City of Pacific Grove by reading and signing the Oath of Office form thereby affirming to support and defend the Constitution of the United States and the Constitution of the State of California. This form will be maintained in the employees' personnel file.

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Pacific Grove 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 Pacific Grove 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 Pacific Grove Police Department reserves the right to revise any policy content, in whole or in part.

103.2 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.

103.2.1 CHIEF OF POLICE

The Chief of Police or his/her designee shall be considered the ultimate authority to issue, modify, or approve agency written directives and shall continue to issue Departmental Directives which shall modify those provisions of the Policy Manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into this manual.

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Policy Manual

103.3 DEFINITIONS

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

Adult - Any person 18 years of age or older.

Agency- Pacific Grove Police Department

CAD- Computer Automated Dispatch

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

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Pacific Grove.

Custodian of Records - Is the member assigned by the Police Administrations Services Manager to manage the records system and is able to make decisions on the retention and disposition of these records in conjunction with state and federal laws.

Department/PGPD - The Pacific Grove Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The Pacific Grove Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

MCFD - Monterey City Fire Department

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

Operations Commander - is the sworn member who manages the Operations Division, to include Investigations, Patrol, and School Resources; acts as the Chief of Police in his/ her absence; and manages policies, procedures, practices and objectives set forth by the Chief of Police.

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

Personnel - Any person who is employed by or volunteers their services to the Department.

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Police Administration Services Manager - Is the professional staff member who manages the Administrative Services Division, to include Records, Property and Evidence, Crime Scene Investigations, Parking, Animal Control and general administrative support; and manages policies, procedures, practices and objectives set forth by the Chief of Police.

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

Professional Staff - Employees or volunteers who are civilians.

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

RMS - Records Management System

Shall or will - Indicates a mandatory action.

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

SRU - Special Response Unit

Sworn Staff - Those employees, regardless of rank, who are sworn peace officers of the Pacific Grove Police Department.

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

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

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

USC - United States Code.

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered.

Watch Commander - Is a supervisor who is capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant or Corporal supervises, leads, and oversees each watch.

103.4 ISSUING THE POLICY MANUAL

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

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

103.4.1 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and should obtain necessary clarification of this department's policies and Daily Training Bulletins (DTB). Employees with questions about the Policy Manual or DTB's may direct them to their respective supervisor for clarification. 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 DTB's and understand they are responsible to read and become familiar with its contents.

103.5 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.6 REVISIONS TO POLICIES

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

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

Each Supervisor 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 Supervisor, who will consider the recommendations and forward them to the command staff as appropriate.

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Goals and Objectives

104.1 PURPOSE AND SCOPE

To effect a cohesive and effective direction for the Pacific Grove Police Department, the Commander will prepare and submit annual divisional and overall departmental goals and objectives for the forthcoming year. These reports will aid in developing long range, comprehensive planning covering a minimum span of two years. The Commanders shall submit the annual goals and objectives for the patrol and detective divisions by May 31th of each year.

104.2 POLICY

104.2.1 OFFICE OF THE CHIEF OF POLICE

(a) Develop and distribute the overall department goals and objectives for the next year.

(b) Evaluate the progress toward the specific goals and objectives from the prior year.

(c) Coordinate a plan of action in reference to the long range objectives of the department with a minimum of two year projections. The two year projections should include:

1. Anticipated workload and population trends.
2. Anticipated personnel levels.
3. Anticipated capital improvements and equipment needs.

104.2.2 COMMANDER

(a) The Commander will be responsible for preparing and providing specific goals and objectives for the patrol and detective divisions, and for evaluating the progress made toward the prior goals and objectives. These goals and objectives should be reasonable, attainable, quantifiable and measurable where possible, and sufficiently flexible to permit change as needed.

(b) The Commander should request suggestions from supervising officers under his/her respective command in preparation of the annual goals and objectives.

(c) The Commander will provide input to the long range planning of Department's overall goals and objectives.

104.2.3 ALL PERSONNEL OF THE POLICE DEPARTMENT

(a) All personnel of the Police Department are encouraged to participate in developing the department's goals and objectives. All members of the department submitting written proposals will be credited with their innovations by having the suggestion permanently placed in their personnel folders. All personnel are encouraged to submit formal and also, informal suggestions to their immediate supervisors who will be responsible to bring the suggestions to the attention of the Commander and the Chief of Police. The mechanism will be the method utilized to involve the entire department in the establishment of the department's goals and objectives. Finalization and implementation will result from staff meeting discussions.

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(b) The department will make available to all personnel the final goals and objectives. Both divisions of the department will be given the opportunity to make themselves aware of the department's purpose and function.

(c) Community relations are everyone's job and it is important that all members of the department recognize the goals that are to be attained. All officers will be briefed by their supervisors concerning the goals of the department and how we can attain those goals.

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Job Descriptions

105.1 POLICY

It is the policy of the Pacific Grove Police Department to insure that statements of duties and responsibilities for each job within the agency should be prepared and made available to managers, supervisors, and all other agency employees. Such statements are key elements in achieving more effective management and supervision.

The Commander shall conduct a documented review of job descriptions of all employees every four years, insuring job descriptions are current and made available to all personnel. The Commander will provide any recommended adjustments to the Chief in writing. If changes are deemed necessary by the Chief, he/she will consult with HR.

105.2 JOB DESCRIPTIONS

Chief of Police:

Summary

Under the general guidance and direction of the City Manager, provides command leadership for the Pacific Grove Police Department (PGPD); ensures Department compliance with state and federal laws, and City policies and procedures; coordinates enforcement activities with other regional law enforcement and justice agencies.

Essential Functions

As defined under the Americans with Disabilities Act, essential functions may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

- Commands the Pacific Grove Police Department (PGPD) including patrol, investigations, and support services; leads PGPD to enforce laws, preserve the peace, reduce fear, solve problems, and provide for both a safe environment, and the community's perception that it is safe, through community policing and related approaches.
- Manages the PGPD through effective planning, staff management, and fiscal management; manages staff and activities to achieve the PGPD goal of protecting life and property through professional services, coordinated resources, and community policing.
- Provides leadership, direction, and guidance for PGPD officers and staff to meet the public safety needs of the community; directs the activities of the PGPD officers and staff; plans, prioritizes and assigns tasks and projects; instructs and trains staff, monitors work, develops staff skills, and evaluates performance; analyzes workload trends and implements staffing and assignment adjustments.

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- Meets regularly with staff to discuss and resolve priorities, technical issues, quality standards, and local law enforcement issues; motivates and evaluates staff, and maintains discipline; ensures PGPD operations are in compliance with state and federal regulations, and City standards.
- Exercises independent judgment within broad policy guidelines; evaluates complex public safety and enforcement issues, and develops solutions; reviews crime trends and identifies corrective strategies.
- Directs coordination with federal, state and local law enforcement organizations, City departments, outside organizations, and justice and emergency services agencies; manages community relations issues.
- Manages critical incidents and criminal investigations; takes command of major crime scenes; reviews and approves operational and criminal case reports; negotiates and resolves sensitive issues.
- Testifies as required.
- Develops plans to meet City goals and directives; interprets concerns, defines desired results, develops solutions, determines scope and priorities of programs and projects, communicates status of projects and organizational issues, and ensures the efficient delivery of high quality law enforcement services;
- Reviews and analyzes operational data and activity reports; identifies police service needs and resource availability; develops recommendations and plans to improve operational effectiveness; manages the PGPD budget; monitors and approves expenditures.
- Maintains the integrity, professionalism, values, and goals of the Pacific Grove Police Department by ensuring that all rules and regulations are followed, and that accountability and public trust are preserved.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:

Bachelor's Degree in Criminal Justice, Public or Business Administration, or related field AND seven years of extensive, progressively responsible supervisory and administrative experience, preferably in a municipal police department or other public agency; OR an equivalent combination of education, training, and experience. A POST Management Certificate, completion of the POST Command College Program, or FBI National Academy is highly desirable, as is a Masters' Degree in Public Administration, Administration of Justice, or a related field.

Knowledge of:

- City policies and procedures.

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- City, county, state, and Federal laws, regulations, codes, and ordinances.
- Duties, powers, authorities, and limitations of a municipal Police Chief.
- Modern law enforcement methods and procedures, including case laws governing arrest, rules of evidence, probable cause, use of force, custody of evidence and property, and search and seizure.
- Strategy and tactics for management and deployment of law enforcement personnel and equipment.
- Modern law enforcement management principles, practices, and trends.
- California criminal justice and court systems, and the principles of criminal justice records management.
- Investigative and interrogative procedures, and protocols for observation of critical details.
- Local community issues and regional community resources available to citizens.
- Geography, roads, and landmarks of City and surrounding areas.

Skill in:

- Analyzing complex public safety and security issues, and developing solutions.
- Interpreting and explaining legal standards and procedures, applicable Federal and state rules and regulations, and City policies and procedures.
- Assuming command-level responsibilities, making appropriate decisions, verifying compliance with PGPD policies, and using initiative and independent judgment within established guidelines.
- Assessing community needs and developing solutions.
- Engaging varied City partnership organizations, neighborhood associations, business leaders, and elected officials.
- Balancing the needs of the Department with the overall goals and vision for the City, established by the City Council and carried out by the City Manager and staff.
- Presenting and defending operational reports and incident information in public meetings.
- Working effectively under stressful conditions and emergency situations.? Investigating and resolving personnel issues, citizen inquiries, and officer complaints.
- Effectively managing situations requiring diplomacy, fairness, firmness, and sound judgment.
- Supervising and leading staff, and delegating tasks and authority.
- Working as a team member with other law enforcement and multi-jurisdictional agencies.
- Interpreting and applying criminal laws to information, evidence, and other data compiled.

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- Exercising controlled discretion and mediating difficult situations.
- Assessing and prioritizing multiple tasks, projects and demands.
- Establishing and maintaining cooperative working relationships with co-workers, and representatives from other regional agencies.
- Operating a personal computer utilizing a variety of business software.
- Communicating effectively verbally and in writing.

Licensing and Certification

LICENSE AND CERTIFICATION REQUIREMENTS:
A valid California State Driver's License is required. Must obtain and/or maintain Peace Officer certification and requirements for the position of Chief of Police as required by the California Commission on Peace Officer Standards and Training (POST).

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed frequently in a standard office environment. Work is also performed in the field, leading investigations and taking command of tactical situations, which may expose the Chief to hazardous situations that could result in injury, death, or the use of deadly force on others. Although the noise level in the work environment is usually moderate, the employee may be exposed to high-level noises, including but not limited to emergency vehicle sirens and gun fire. Must be willing to work varied hours and days, as well as attend evening meetings and/or critical events and activities, as appropriate. This position has a critical role for the City in the preparation for, during, and in recovery from physical disasters and other emergency incidents.

Police Commander:

Summary

Reporting directly to the Police Chief, plans, organizes, directs, and coordinates the functions and staff of an operational Division of the Pacific Grove Police Department (PGPD); manages Division operations, budget, training, resources, community relations, and coordination with other regional law enforcement and justice agencies; assists the Police Chief with strategic planning, research, personnel issues, and budgets.

Essential Functions

As defined under the Americans with Disabilities Act, essential functions may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

- Commands a Division of the Pacific Grove Police Department (PGPD) as determined by the Police Chief, including patrol, investigations, and support services; performs

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work according to PGPD policies to enforce laws, preserve peace, reduce fear, solve problems, and provide for a safe environment through community policing.

- Enforces state and Federal laws, and compliance with City regulations; resolves operational issues using sound judgment and technical knowledge; duties will vary according to job assignment.
- Schedules and deploys officers, establishes goals, monitors work, and evaluates team performance; ensures Division activities are in compliance with all laws, policies, regulations, and goals.
- Monitors operations and manages assigned PGPD staff; assigns and prioritizes tasks, reviews work, evaluates performance, and trains, motivates, and disciplines staff.
- Exercises independent judgment within broad policy guidelines; evaluates public safety and enforcement issues, and develops solutions; reviews crime trends and identifies corrective strategies.
- Maintains discipline, and reviews staff work to ensure compliance to PGPD policies and procedures; negotiates and resolves difficult, sensitive, and controversial issues.
- Responds to critical incidents, and takes command when appropriate; manages major investigations and incidents; coordinates police response to a variety of exigent situations; coordinates with regional law enforcement organizations and emergency services agencies.
- Reviews and analyzes operational data and activity reports; identifies police service needs and resource availability; develops recommendations to improve operational effectiveness.
- Assists the Chief with strategic planning, budgets, research, and resource allocation; manages public relations and special events with community groups; investigates complaints and inquiries regarding law enforcement incidents, programs, and services.
- Performs duties of Police Sergeant or Police Officer as needed to meet workload demands.
- Work days and hours may be varied as needed to meet workload demands.
- Testifies as required.
- Maintains the integrity, professionalism, values, and goals of the Pacific Grove Police Department by ensuring that all rules and regulations are followed, and that accountability and public trust are preserved.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:

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Bachelor's Degree in Criminal Justice, Public or Business Administration, or related field; AND five years supervisory and administrative experience in a law enforcement agency; OR an equivalent combination of education, training, and experience.

Knowledge of:

- City policies and procedures.
- City, county, state and Federal laws, regulations, codes and ordinances.
- Duties, powers, authorities, and limitations of a Police Officer.
- Modern law enforcement methods and procedures, including case laws governing arrest, rules of evidence, probable cause, use of force, custody of evidence and property, and search and seizure.
- Strategy and tactics for management and deployment of law enforcement personnel and equipment.
- Modern law enforcement management principles, practices and trends.
- California criminal justice and court systems and the principles of criminal justice records management.
- Investigative and interrogative procedures and protocols for observation of critical details.
- Local community issues and regional community resources available to citizens.
- Geography, roads, and landmarks of City and surrounding areas.

Skill in:

- Interpreting and explaining legal standards and procedures, applicable Federal and state rules and regulations, and City policies and procedures.
- Assuming command-level responsibilities, making appropriate decisions, verifying compliance with PGPD policies, and using initiative and independent judgment within established guidelines.
- Working effectively under stressful conditions and emergency situations.
- Investigating and resolving personnel issues, citizen inquiries, and officer complaints.
- Effectively managing situations requiring diplomacy, fairness, firmness, and sound judgment.
- Supervising and leading staff, and delegating tasks and authority.
- Working as a team member with other law enforcement and multi-jurisdictional agencies.
- Interpreting and applying criminal laws to information, evidence, and other data compiled.

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- Exercising controlled discretion and mediating difficult situations.
- Assessing community needs and developing solutions.
- Assessing and prioritizing multiple tasks, projects and demands.
- Establishing and maintaining cooperative working relationships with co-workers, and representatives from other regional agencies.
- Operating a personal computer utilizing a variety of business software.
- Communicating effectively verbally and in writing.

Licensing and Certification

LICENSE AND CERTIFICATION REQUIREMENTS:
A valid California State Driver's License is required. Must maintain Peace Officer certification and requirements for a management position as required by the California Commission on Peace Officer Standards and Training (POST). Additional technical training and certifications may be required.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed in a standard office environment, and in the field on tactical assignments; may be exposed to physical attacks, hazardous chemicals, infectious and communicable diseases; may be required to physically restrain persons; must maintain a level of physical fitness to meet PGPD standards.

Police Sergeant:

Summary

Under basic supervision, supervises a shift of Pacific Grove Police Department (PGPD) Officers in the prevention and investigation of crimes and accidents, and the pursuit and apprehension of criminals; maintains order in the City, enforces state and federal laws and City ordinances, and assists the general public and other emergency services agencies, providing a variety of technical support and customer service duties for citizens needing assistance with enforcement complaints, community issues, and victim and witness services for the Pacific Grove Police Department, within scope of authority.

Essential Functions

Essential functions, as defined under the Americans with Disabilities Act, may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

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- Enforces state and Federal laws, and City regulations; maintains discipline, and resolves operational issues using sound judgment and technical knowledge; duties will vary according to job assignment.
- Testifies as required.
- Supervises PGPD Officers on an assigned shift; performs work according to PGPD policies to enforce laws, preserve peace, reduce fear, solve problems, and provide for a safe environment through community policing; exercises independent judgment within broad policy guidelines.
- Schedules and deploys Officers; assigns and prioritizes tasks; trains, motivates, and disciplines staff; assures that Officers are ready and prepared for duty, assures the lawful and consistent application of regulations and procedures, and assures that professional police services are provided to the public.
- Instructs and trains Officers; supervises activities, monitors call responses, reviews and approves detailed reports and required paperwork; evaluates performance; performs duties of Police Officer as needed, and assists Officers in the performance of their duties
- Preserves the peace of the community through mediation, investigation, intervention, assistance, and arrest; utilizes all lawful means to improve the quality of life by recognizing and resolving problems; works with citizens to address the issues of safety, crime, fear of crime, and neighborhood disorder; assures citizens are treated with courtesy and respect; responds to citizen complaints.
- Responds to incidents and accidents, and takes command when appropriate; manages investigations, and coordinates police response to a variety of exigent situations; coordinates with regional law enforcement organizations and emergency services agencies.
- Supervises the inspection, maintenance, repair, and replacement of PGPD equipment; manages inventories of supplies and equipment; reviews and approves detailed reports and required paperwork.
- Performs specialized functions in areas of expertise, including training, SRO/DARE, SRU, and other special enforcement, assessment, surveillance, intervention, and investigative teams.
- Maintains the integrity, professionalism, values, and goals of the Pacific Grove Police Department by assuring that all rules and regulations are followed, and that accountability and public trust are preserved.
- Participates in a variety of special projects as directed; performs and/or oversees technical and administrative duties as assigned, including community relations, outreach programs, customer service, victim and witness services, complaints and inquiries.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

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Minimum Qualifications

Education, Training and Experience Guidelines:
Associate's Degree in Criminal Justice, Public or Business Administration, or related field; AND three years professional law enforcement experience, including experience as a Corporal or Training Officer; OR an equivalent combination of education, training, and experience.

Knowledge of:

- City policies and procedures.
- City, county, state, and Federal civil and criminal laws, regulations, codes, and ordinances.
- Duties, powers, authorities, and limitations of a Police Officer.
- California criminal justice and court systems, and the principles of criminal justice records management.
- Modern law enforcement methods and procedures, including case laws governing arrest, rules of evidence, probable cause, use of force, custody of evidence and property, and search and seizure.
- Modern law enforcement management principles, practices, and trends.? Investigative and interrogative procedures, and protocols for observation of critical details.
- Local community issues and regional community resources available to citizens.
- Geography, roads, and landmarks of City and surrounding areas.

Skill in:

- Interpreting laws and regulations, making decisions, maintaining composure, and working effectively under stressful conditions and emergency situations.
- Supervising and leading staff, and delegating tasks and authority.
- Effectively managing situations requiring diplomacy, fairness, firmness, and sound judgment.
- Exercising controlled discretion and mediating difficult situations.
- Remaining alert at all times, and reacting quickly and calmly in emergency situations.
- Interpreting and applying criminal laws to information, evidence, and other data compiled.
- The care, maintenance, and safe operation of a variety of firearms, impact weapons, chemical agents, and other law enforcement tools and equipment.
- Communicating with violators, recognizing suspicious behavior patterns, mediating difficult situations, and using effective arrest and control techniques.
- Investigating crime scenes, and recognizing evidence and causes of crime, death, and accidents.

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- Working as a team member with other law enforcement and multi-jurisdictional agencies.
- Assessing and prioritizing multiple tasks, projects, and demands.
- Establishing and maintaining cooperative working relationships with co-workers, and representatives from other regional agencies.
- Operating a personal computer utilizing a variety of business software.
- Communicating effectively verbally and in writing.

Police Officer:

Summary

Under basic supervision, provides professional, responsive, and courteous police services for the Pacific Grove Police Department (PGPD); responds to calls for service, maintains peace and safety in the community, and enforces laws and ordinances; basic duties include patrol, interventions, investigations, and traffic regulation.

Essential Functions

- Enforces state and federal laws, and City regulations; performs work according to PGPD policies to enforce laws, preserve peace, reduce fear, solve problems, and provide for a safe environment through community policing; duties will vary according to job assignment. Provides community-oriented police services, and improves and enhances the quality of life in the community; works with citizens to address the issues of safety, crime, fear of crime, and neighborhood disorder; ensures citizens are treated with courtesy and respect.
- Preserves the peace of the community through mediation, investigation, intervention, assistance, and
- arrest; utilizes all lawful means to improve the quality of life by recognizing and resolving problems.
- Patrols the City, looking for unusual and suspicious activities and persons; responds to emergency and non-emergency calls for service; investigates, documents, and resolves traffic incidents, crimes, dangerous and illegal activities, and citizen complaints; interrogates and communicates with victims, witnesses and suspects in cases; provides scene security for emergency services personnel.
- Responds to citizens' requests for assistance, enforces traffic regulations, detects crime, apprehends
- violators, and ensures public safety; applies laws and regulations fairly and consistently.
- Investigates crimes and accidents; secures and processes crime and accident scenes, and identifies and collects evidence; arrests law violators; transports and processes suspects, victims and prisoners.
- Testifies as required.

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- Performs subpoena and warrant service.
- Completes detailed reports and required paperwork.
- Maintains PGPD vehicle and equipment according to Department standards.
- Assists and coordinates with other emergency services personnel, outside organizations and businesses, and federal, state, and local law enforcement organizations.
- Performs specialized functions in areas of expertise, including training, SRO/DARE, SRU, and other special enforcement, assessment, surveillance, intervention, and investigative teams.
- Maintains the integrity, professionalism, values, and goals of the Pacific Grove Police Department by ensuring that all rules and regulations are followed, and that accountability and public trust are preserved.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:
High School Diploma or GED equivalent;
AND completion of training and Peace Officer certification with the California Commission on Peace Officer Standards and Training (POST).

Knowledge of:

- City policies and procedures.
- City, county, state, and federal civil and criminal laws, regulations, codes, and ordinances.
- Duties, powers, authorities, and limitations of a Police Officer.
- California criminal justice and court systems and the principles of criminal justice records management.
- Basic law enforcement methods and procedures, including case laws governing arrest, rules of evidence, probable cause, use of force, custody of evidence and property, and search and seizure.
- Basic law enforcement management principles, practices, and trends.
- Investigative and interrogative procedures and protocols for observation of critical details.
- Local community issues and regional community resources available to citizens.
- Geography, roads, and landmarks of City and surrounding areas.

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Skill in:

- Interpreting laws and regulations, making decisions, maintaining composure, and working effectively under stressful conditions and emergency situations.
- Effectively managing situations requiring diplomacy, fairness, firmness, and sound judgment.
- Exercising controlled discretion and mediating difficult situations.
- Remaining alert at all times, and reacting quickly and calmly in emergency situations.
- Interpreting and applying criminal laws to information, evidence, and other data compiled.
- The care, maintenance, and safe operation of a variety of firearms, impact weapons, chemical agents, and other law enforcement tools and equipment.
- Communicating with violators, recognizing suspicious behavior patterns, mediating difficult situations, and using effective arrest and control techniques.
- Investigating crime scenes, and recognizing evidence and causes of crime, death, and accidents.
- Working as a team member with other law enforcement and multi-jurisdictional agencies.
- Establishing and maintaining cooperative working relationships with co-workers, and representatives from other regional agencies.
- Operating a personal computer utilizing a variety of business software.
- Communicating effectively verbally and in writing.

Licensing and Certification

A valid California State Driver's License is required. Must maintain Peace Officer certification with the California Commission on Peace Officer Standards and Training (POST). Additional technical training and certifications may be required.

Conditions of Employment

- Must successfully pass an investigative background.
- Maintain a valid California State Driver's License
- Maintain POST certification

Working Conditions

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed in a standard office environment, and in the field on patrol; may be exposed to physical attacks, hazardous chemicals, infectious and communicable diseases; required to physically restrain persons; must maintain a level of physical fitness to meet PGPD standards.

<u>Police Recruit:</u>

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Summary

Under direct supervision, attends an approved Peace Officers Standards and Training (POST) basic police academy to be trained in the technical knowledge, skills, and physical capabilities required to perform police service; performs related duties as required.

Essential Functions

This is a non-sworn, training level classification in the Police Department. Incumbents will attend a basic police academy for training and California Peace Officers Standards and Training (POST). During the training, incumbents do not have police powers and are subject to the rules and regulations of the City of Pacific Grove Police Department and the academy attended. Trainees may be assigned non-safety duties in the Police Department such as assisting in Records; crime prevention; collecting information and data; transporting people and materials, etc. Promotion to a sworn Police Officer position is contingent upon successful completion of the basic academy and the final review of the Police Chief. Upon promotion to Police Officer, incumbents will begin a new one-year probationary period.

Minimum Qualifications

Experience, Education and License Guidelines:

- No prior work experience necessary.
- High School Diploma or GED equivalent is required.
- Must be 21 years old at the time of appointment to Police Officer.
- Must be a U.S. Citizen or have applied for U.S. citizenship before application for Police Officer trainee.
- A valid California State Driver's license and a safe driving record required.

Skill in:

- Understanding, interpreting, and applying State and local laws and regulations, department policies and procedures, and other technical literature pertaining to law enforcement;
- Reacting quickly and calmly in emergency or hazardous situations and adopt and effective course of
- action.
- Observing and remembering facts and details of incidents.
- Following oral and written instruction.
- Learning to operate firearms safely and skillfully;
- Obtaining information through interview, interrogation, and observation.

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- Writing clear and accurate reports.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Communicating verbally in a clear and effective manner.
- Dealing tactfully and effectively with a wide range of different individuals and groups from the community.

PHYSICAL DEMANDS AND PSYCHOLOGICAL CONDITION:

- Physical health, strength, and agility necessary to meet the physical demands of police work, as determined by a physical agility test and a medical exam (based on current California POST Commission guidelines).
- Must meet current POST vision guidelines, including those for color, binocular, and peripheral vision.
- Psychological suitability for police work (determined by a psychological exam as required by the California POST Commission).

Conditions of Employment

- Willingness to work rotating shifts, including nights, weekends, and holidays.
- No felony convictions.
- Ability to pass a comprehensive background investigation which includes a polygraph examination, credit history, driving record, criminal activity, military and employment records, and character references (in accordance with the minimum standards for employment issued by the California POST Commission.

Police Administrative Services Manager:

Summary

Reporting directly to the Police Chief, plans, organizes, and manages the functions and staff of the Pacific Grove Police Department (PGPD) administrative services work group; ensures administrative services, operations, and procedures are in compliance with the Municipal Code, City Charter, and state and Federal laws and regulations; assists the Police Chief with strategic planning, research, personnel issues, and budgets

Essential Functions

As defined under the Americans with Disabilities Act, essential functions may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

- Plans, organizes, and directs the functions and staff of the PGPD administrative services work group, as determined by the Police Chief, including accounting,

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budget, human resources, payroll, contract management, and general administration functions; manages administrative functions, and other assigned programs and projects.

- Manages staff and activities to safeguard the PGPD assets, and ensure that administrative services are provided in alignment with goals; monitors administrative operations and ensures that procedures are in compliance with the Municipal Code, City Charter, and state and federal laws and regulations.
- Manages financial records, budgets, computer systems, payroll, billing, and technical reporting.
- Testifies as required.
- Serves as advisor to Police Chief; analyzes PGPD functions, programs, services, and activities, and develops recommendations for allocating PGPD resources.
- Researches administrative issues, evaluates records and files for accuracy and completeness, and prepares summary and operational reports.
- Supervises staff, develops priorities, and assigns tasks and projects; trains staff, and conducts performance evaluations; meets regularly with staff to discuss administrative issues, workload, priorities, customer service, and technical issues.
- Monitors operations, workflow, and timeline requirements; sets priorities, resolves problems, analyzes data, and ensures that all action items are properly processed, managed, and resolved; ensures that quality and timeliness standards are met, and quality customer services are provided.
- Assists the Chief with strategic planning, budgets, research, and resource allocation; manages public relations and special events with community groups; investigates complaints and inquiries regarding law incidents, programs, and services.
- Exercises independent judgment within broad policy guidelines; coordinates special projects and administrative issues with City departments; explains and interprets policies and procedures.Work days and hours may be varied as needed to meet workload demands.
- Maintains the integrity, professionalism, values, and goals of the Pacific Grove Police Department by ensuring that all rules and regulations are followed, and that accountability and public trust are preserved.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:

Bachelor's Degree in Criminal Justice, Business or Public Administration; AND four years of experience in government administrative operations preferably in City of Pacific Grove or another

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California law enforcement agency; OR an equivalent combination of education, training, and experience.

Knowledge of:

- City organization, operations, policies, and procedures.
- Policies, rules, and regulations governing the conduct and safety of police administrative programs.
- Principles and practices of public sector administrative management, including, personnel rules, performance management, payroll, procurement, contracting, and project management.
- Techniques and practices for efficient and cost effective management of resources.
- Procedures for the management of official documents and confidential records.
- Business computers, and specialized software applications for police records systems.
- Current legislative, political, and economic trends in municipal government issues.

Skill in:

- Managing the PGPD administrative program and operations.
- Analyzing technical issues, evaluating alternatives, and making recommendations based on findings.
- Explaining Federal and state rules and regulations, and City policies and procedures.
- Managing staff, delegating tasks and authority, and evaluating staff performance.
- Using initiative and independent judgment within established procedural guidelines.
- Dealing tactfully and courteously with the public and other criminal justice agencies.
- Following and enforcing verbal and written instructions and procedures.
- Evaluating workflow, and assessing and prioritizing multiple tasks, projects, and demands.
- Establishing and maintaining cooperative working relationships with City employees, elected officials, and representatives from other regional agencies.
- Communicating effectively verbally and in writing.

Licensing and Certification

LICENSE AND CERTIFICATION REQUIREMENTS:
A valid California State Driver's License may be required.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed in a standard office environment.

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Police Records Supervisor:

Summary

Under general supervision, supervises Pacific Grove Police Department (PGPD) Records Unit functions and staff; assures that records management policies and procedures are followed, that accuracy and security standards are met, and that administrative issues are properly addressed and resolved.

Essential Functions

Essential functions, as defined under the Americans with Disabilities Act, may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

- Supervises the PGPD Records Unit; works independently and makes appropriate decisions based on knowledge of City policies and PGPD procedures; performs duties within scope of authority.
- Supervises and schedules assigned staff, prioritizes projects, evaluates performance, and resolves workload and technical issues; assures that quality and timeliness standards are met, and appropriate services are provided; assures compliance with state and Federal regulations.
- Provides technical guidance, and interprets policies and procedures governing the confidentiality requirements and release of police records and information; answers questions and resolves issues.
- Monitors Records Unit operations, and assures that security protocols are followed, and all reports and paperwork are completed in a timely manner; updates, corrects, retrieves, and releases information according to procedures; reviews and releases edited PGPD records information.
- Researches critical issues, reviews and evaluates records and files, and prepares summary reports.
- Testifies as required.
- Responds to and resolves customer service issues in a courteous and respectful manner; resolves computer record errors and customer requests within scope of authority.
- Oversees the property and evidence room; assists Officers as needed; assures procedures are followed and security standards are maintained.
- Performs administrative functions, including payroll, purchasing, and operations reports; attends meetings, and takes and transcribes notes.
- Performs duties of Police Services Technician as needed to meet workload demands.

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- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:
High School Diploma or GED equivalent; AND four years experience in technical records management, preferably in PGPD or another California law enforcement agency; OR an equivalent combination of education, training, and experience.

Knowledge of:

- City policies and procedures.
- Policies, rules and regulations governing the conduct and safety of police records programs.
- National Crime Information Center (NCIC), and California Law Enforcement Telecommunications System (CLETS) quality and security standards for police records.
- Procedures for the management of official documents.
- Principles and practices of confidential records management, and file maintenance.
- Business computers, and specialized software applications for police records systems.

Skill in:

- Managing the PGPD records program and operations.
- Analyzing technical issues, evaluating alternatives, and making recommendations based on findings.
- Interpreting and explaining standards and protocols for release of confidential information.
- Explaining Federal and state rules and regulations, and City policies and procedures.
- Assessing and prioritizing multiple tasks, projects and demands.
- Supervising staff, delegating tasks and authority, and evaluating staff performance.
- Using initiative and independent judgment within established procedural guidelines.
- Dealing tactfully and courteously with the public.
- Following and enforcing verbal and written instructions and procedures.
- Establishing and maintaining cooperative working relationships with co-workers.
- Communicating effectively verbally and in writing.

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Licensing and Certification

LICENSE AND CERTIFICATION REQUIREMENTS:
A valid California State Driver's License may be required. Terminal Operator Certification for access to NCIC/CLETS, and California Commission on Peace Officer Standards and Training (POST) Records Supervisor Certification are required within six months of hire.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed in a standard office environment.

Police Services Technician:

Summary

Under basic supervision, provides clerical and technical assistance to Pacific Grove Police Department (PGPD) Officers; processes officer reports, enters and retrieves data in secure computer databases, performs records research, and provides information within scope of authority; participates in a variety of special projects as directed and perform a variety of tasks relative to assigned area of responsibility.

Essential Functions

As defined under the Americans with Disabilities Act, essential functions may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer.

The following tasks are typical for positions in this classification. Any single position may not perform all of these tasks and/or may perform similar related tasks not listed here:

- Performs clerical, technical, and administrative duties for the PGPD Records Unit, including officer assistance, data entry, record keeping, records research, and preparing and processing documents; performs duties in accordance with PGPD policy and procedures, and within scope of authority; duties may vary according to job assignment.
- Assists PGPD work group with administrative support, technical assignments, and office support functions; works independently in completing assignments, and makes appropriate decisions based on work experience and knowledge of City and PGPD policies and procedures.
- Respond to radio inquiries from officers in the field; obtain booking information from officers on persons arrested; electronically monitor in custody prisoners.
- Processes police reports and assists Officers with technical and legal documents; enters and validates reports and information into National Crime Information Center

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(NCIC), and California Law Enforcement Telecommunications System (CLETS) databases.

- Validates, searches, and verifies enforcement and legal information in the CLETS system.
- Provides information, instructions and assistance to the public and others having business with PGPD; assists customers with requests, applications, government forms, and other documents; answers questions and resolves issues within scope of authority, using knowledge of PGPD policies.
- Collects statistical data and compiles data for reports; receives and sends information to and from other agencies; maintains records and files; transcribes officer reports.
- Performs bookkeeping and accounting functions, and receives and tracks payments.
- Ensures that security protocols are followed, and all reports and paperwork are completed in a timely manner; updates, corrects, retrieves, and releases information according to procedures; reviews and releases edited PGPD records information.
- Responds to and resolves customer service issues in a courteous and respectful manner; resolves computer record errors and customer requests within scope of authority.
- May assist with the property and evidence room, Emergency Services Program, training system, and other special programs; verifies that PGPD procedures are followed and security standards are maintained.
- Attends meetings, and takes and transcribes notes.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:
High School Diploma or GED equivalent. One year experience in technical records management, preferred; OR an equivalent combination of education, training, and experience.

Knowledge of:

- Procedures for the management of official documents.
- Principles and practices of confidential records management, and file maintenance.
- Business computers, and specialized software applications for police records systems.

Skill in:

- Dealing tactfully and courteously with the public.

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- Following and enforcing verbal and written instructions and procedures.
- Establishing and maintaining cooperative working relationships with co-workers.
- Communicating effectively verbally and in writing.

Ability to Learn:

- City policies and procedures.
- Policies, rules and regulations governing the conduct and safety of police records programs.
- NCIC and CLETS quality and security standards for police records and
- Federal and state rules and regulations.
- Standards and protocols for release of confidential information.
- The ability to communicate the above standards and policies.

Licensing and Certification

LICENSE AND CERTIFICATION REQUIREMENTS:
A valid California State Driver's License may be required. Ability to obtain Terminal Operator Certification for access to NCIC/CLETS within 6 months of employment.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed in a standard office environment.

Animal Control Officer:

Summary

Under basic supervision, performs animal control and animal related law enforcement activities for the Pacific Grove Police Department (PGPD) to safeguard citizens from dangerous and nuisance animals; investigates animal related violations of state and federal laws and local ordinances.

Essential Functions

As defined under the Americans with Disabilities Act, essential functions may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

- Patrols City to check animal populations for dangerous and nuisance animals, strays, and wildlife.
- Enforces City, state, and county laws and ordinances governing animal control issues.

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- Responds to calls for service; captures, contains, transports, impounds, and quarantines animals.
- Transports captured animals to Humane Society shelter; picks up and disposes of dead animals; returns wild animals to natural habitats.
- Investigates nuisance complaints and calls on animal control code violations; interviews complainant and witnesses; notifies owners and involved parties of animal violations and corrective actions; writes reports and issues citations and warnings within scope of authority.
- Investigates animal cruelty and breeding charges; seizes animals as allowed by California Statutes.
- Provides animal-related information to public, including adoptions, animal care, and City regulations.
- Prepares reports and maintains records and files, including rabies immunization requirements.
- Provides information, instructions and assistance to the public; provides educational programs to community groups; answers questions and resolves issues within scope of authority and training.
- Collects statistical data and compiles data for reports.
- Presents animal control enforcement cases to courts and hearings.
- Testifies as required.
- Assists with parking enforcement and traffic control duties as assigned; assists other emergency services personnel, outside organizations, and local law enforcement organizations.
- Maintains assigned vehicle and equipment according to Department standards.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:
High School Diploma or GED equivalent; AND two years experience working with animals; OR an equivalent combination of education, training, and experience.

Knowledge of:

- City policies and procedures.
- General safety practices, and animal capture and restraint techniques and equipment.
- Symptoms, causes, procedures, and reporting requirements for rabies control and other common animal diseases.

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- Principles of record keeping and records management.
- Regional animal care resources available to citizens.
- Geography, roads, and landmarks of City and surrounding areas.

Skill in:

- Capturing, controlling, containing, and transporting sick, injured, and rabid animals.
- Identifying various types of animals, and symptoms of abnormal behavior and animal diseases.
- Exercising patience, care, and compassion in dealing with animals.
- Care, maintenance, and safe operation of specialized animal control tools and equipment.
- Explaining City policies and procedures.
- Dealing tactfully and courteously with the public.
- Following and communicating verbal and written instructions.
- Operating a personal computer utilizing standard and specialized software.
- Establishing and maintaining cooperative working relationships with co-workers.
- Communicating effectively verbally and in writing

Licensing and Certification

LICENSE AND CERTIFICATION REQUIREMENTS:
A valid California State Driver's License is required; Commercial Driver's License may be required. Training and certification as an Animal Control Officer or Humane Officer is required within one year of hire.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed outdoors and in a standard office environment. May be exposed to rabid and wild animals and potential physical harm; required to capture and physically restrain animals.

Parking Enforcement Officer:

Summary

Under basic supervision, patrols the City's downtown areas to enforce the City's vehicle parking regulations for the Pacific Grove Police Department (PGPD); provides a variety of support, and customer service duties as assigned

Essential Functions

As defined under the Americans with Disabilities Act, essential functions may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned

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duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

- Patrols the City's downtown areas to enforce vehicle parking regulations.
- Writes tickets for parking violations, and enforces local laws and Municipal Code within scope of authority.
- Testify as required.
- Empties parking meters of money deposited, and processes collections according to PGPD procedures.
- Assists residents and visitors; reports problems and emergency situations.
- Reviews citation records and compiles data for reports.
- Assists with traffic control duties as assigned.
- Maintains assigned vehicle and equipment according to Department standards.
- Participates in a variety of special projects as directed.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:
High School Diploma or GED equivalent; AND one year of clerical experience; OR an equivalent combination of education, training, and experience.

Knowledge of:

- City policies and procedures.
- Basic vehicle parking rules and regulations.
- Geography, roads, and landmarks of City and surrounding areas.? Principles of basic report preparation

Skill in:

- Dealing tactfully and courteously with the public.
- Following verbal and written instructions.
- Communicating effectively verbally and in writing.
- Maintain accurate records and prepare clear and concise reports

Licensing and Certification

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LICENSE AND CERTIFICATION REQUIREMENTS:
A valid California State Driver's License is required.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed outdoors.

Administrative Technician:

Summary

Under basic supervision, performs a variety of administrative, analytical duties of moderate scope and complexity, to include specialized office support functions to assist management with technical and administrative duties; performs special program and project activities, updates records and computer database, and interface with the public, providing information regarding the functions, policies, and processes.

Essential Functions

Essential duties and responsibilities may include, but are not limited to, the following:

- Performs experienced analytical, technical, and administrative duties, including special projects, coordinating special programs and activities, managing calendars, data analysis, record keeping, records research, and processing documents; performs duties in accordance with City policy and procedures, and within scope of authority; duties may vary according to job assignment and work skills.
- Provides information, instructions, and assistance to the public and others having business with the City; assists customers with requests, applications, government forms, and other documents; answers questions and resolves issues within scope of authority and training.
- Coordinates department workflow; applies specific knowledge of department policies and procedures in order to organize and coordinate work; exercises initiative and independent judgment in performing administrative duties; applies judgment to resolving problems, analyzing data, and making decisions; tracks department issues, and ensures the effective communication of operational information.
- Uses knowledge of City policies and procedures to assist with special projects, special events, technical assignments, and office support functions.
- Uses training and experience in area of assignment to review and process files, applications, and technical documents.
- Collects statistical data and compiles data for reports; receives and sends information to and from other agencies; maintains records and files, including confidential and code compliance files.
- Research and update files; applications and forms; locates information for clients, staff, and others as authorized.

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- Prepares correspondence; compiles and distributes information packets, and other communications.
- Performs bookkeeping and accounting functions, prepares written and oral reports, and processes ministerial permits.
- Handles routine programs; coordinates and resolves IT record errors, and assist with the management of the City's computer, phone and cellular operations, within assigned Departments.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

Minimum Qualifications

Education, Training and Experience Guidelines:
Bachelor's Degree in Business, Urban Planning, or Public Administration; AND three years of government administrative support experience; OR an equivalent combination of education, training, and experience.

Knowledge of:

- City policies and procedures.
- Policies, rules and regulations covering specific areas of assignment.
- City administration policies, including accounting, budgeting, payroll, and personnel rules.
- Operations, services, and activities performed by assigned department.
- Methods and techniques of researching and compiling data for reports and presentations.
- Customer service principles, protocols and methods.
- Principles of record keeping, records retention, records management, and file maintenance.
- Business computers and standard software applications.
- Basic knowledge of other Departments' or Divisions' protocols and policies

Skill in:

- Working independently, maintaining composure and confidentiality, and working effectively in a high-pressure environment with changing priorities.
- Understanding, and applying relevant rules, ordinances, codes, regulations, policies, procedures, administrative orders, and other governing regulations.
- Interpreting and explaining policies and procedures of assigned department.
- Using initiative and independent judgment within established procedural guidelines.

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- Researching and compiling data for reports and technical documents.
- Dealing tactfully and courteously with the public.
- Following verbal and written instructions and procedures.
- Operating business computers and standard software applications.
- Establishing and maintaining cooperative working relationships with co-workers.
- Communicating effectively verbally and in writing.

Licensing and Certification

A valid California State Driver's License in good standing may be required.

Conditions of Employment

- Candidates must pass a preemployment drug screen and/or physical.
- Candidates will be required to submit proof of education (i.e. original copy of diploma or college/university transcripts).

Physical Demands and Working Environment

Work is performed in a standard office environment. Able to lift 25 lbs at a time, and be able to stand for periods at a time. Some field work may be required.

Crossing Guards:

Summary

SUMMARY: Under basic supervision, assists students to cross traffic thoroughfares, and provides all possible safety measures against traffic dangers.

Essential Functions

ESSENTIAL FUNCTIONS: --

- Assists students to safely cross designated intersections and thoroughfares at established crosswalks and in accordance with City safety standards.
- Assures the safe movement of children to and from school by monitoring traffic flow, observing gaps in the traffic, and leading the children across the intersection; warns children of danger as necessary.
- Places and removes "school zone" signs in roadway; holds a "stop" sign in such a manner as to be visible to approaching vehicles.
- Monitors students and enforces proper conduct; reports motorists who violate school zone laws.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

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Minimum Qualifications

Education, Training and Experience Guidelines:
High School Diploma or GED equivalent is preferred; experience working with children is desirable.

Knowledge of:

- City policies and procedures.
- Safety rules and regulations.

Skill in:

- Reacting quickly to situations that could create safety and security problems.
- Closely following verbal and written instructions and procedures.

LICENSE AND CERTIFICATION REQUIREMENTS:
A valid California State Driver's License may be required.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:
Work is performed outdoors, close to vehicular traffic flow, with physical requirement of standing and maintaining situational awareness for extended periods of time.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Pacific Grove Police Department. The Chief of Police has the ultimate responsibility for the discharge of all duties imposed on the Department by law and is the final authority in matters regarding Departmental policies, procedures, rules and regulations.

There are two divisions in the Police Department as follows:

- Administrative Division
- Operations Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is lead by a civilian manager whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Technical Services and Administrative Services.

200.2.2 OPERATIONS DIVISION

The Operations Division is led by the Operations Commander whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of:

(a) Patrol

(b) Investigations

(c) Special Services

(d) Community Policing Services

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During absences, the Chief of Police will designate the Operations Commander to serve as the Acting Chief of Police. In the absence of the Chief of Police, or in the event of an emergency or exceptional situations, and until the Chief of Police can be notified, the highest ranking on-duty sworn Officer will assume command. Unless otherwise designated, that order will be: The order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Operations Commander

(b) Watch Commander

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(c) All designated Corporals

If two personnel of the same classification are on duty at the same time, the supervisor with the most seniority in grade will assume command. Such assignment will remain in affect during the absence of the Chief of Police, and the person acting in the Chief's capacity shall assume and be vested with the authority and responsibility of the Chief of Police. The officer-in-charge, however, does not have the authority to approve personnel actions involving transfers, disciplinary matters, etc., unless that authority is expressed in a written directive. When the Operations Division and Investigations personnel are at the same scene simultaneously, the Operations staff shall be in charge, except in the case of major crime scene or search, where Investigations may assume command. Assumption of command shall be a conscious action, communicated between each of the involved parties.

200.3.2 UNITY OF COMMAND

The principles of unity of command insures 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. SRU), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 SUPERVISORY ACCOUNTABILITY FOR EMPLOYEES

The commander, all managers, sergeants and corporals, or those delegated to such responsibilities, are responsible for the performance of employees under their immediate control. Each of these members will have commensurate authority for their positions and is held accountable for the use of delegated authority during normal day to day operations.

200.3.4 ORDERS

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

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Department Directive

201.1 PURPOSE AND SCOPE

Written 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. Any amendments to written directives will immediately modify or change and will supersede sections of this manual to which they pertain.

All members will view written directives as the official position of the department on certain issues. Written directives are the permanent records of the agency policy and procedure. They are commitments to service, which assure the reliable performance of police duties.

201.1.1 AUTHORITY TO ISSUE WRITTEN DIRECTIVES AND GENERAL ORDER PROTOCOL

The Chief of Police is the only official authorized to issue, modify, or approve departmental written policies and procedures and General or Special Orders for the Pacific Grove Police Department.

- **Exception** – If, for any reason, the Chief of Police is incapacitated or unavailable for an extended period of time, the Commander will be authorized to issue, modify, or approve departmental policies and procedures that relate to changes in laws or officer safety matters.

The Chief of Police, Commander, or any department supervisor may issue instructional materials and memorandums to members of the department within their span of control.

201.1.2 AGENCY VALUES AND MISSION STATEMENT

Mission Statement :

- To provide exceptional public safety service and enhance the quality of life in our community.

Values:

- Excellence - We will promote the common good, uphold the public trust, and leave the Department greater and better than when entrusted to us.
- Community - We will commit to partnering with our community and deliver excellent public safety services.
- Respect - We will respect the rights and dignity of all people.
- Professionalism - We will exemplify professionalism in all we do as public employees.
- Integrity - We will be accountable to ourselves, the public, and the law enforcement profession.

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201.2 DEFINITIONS

- Written Directive - Any written document used to guide or affect the performance or conduct of agency employees. The term includes: polices, procedures, rules and regulations, general orders, special orders and memorandums.
- Policy - A written statement that is a broad statement of the Department's principals. Policy statements provide the framework for development of procedures.
- Procedure - A written guideline for carrying out a specific Departmental activity.
- Rules and Regulations- A set of specific guidelines pertaining to the code of conduct and the disciplinary system to which all police employees must adhere.
- General Order - Orders that are issued by the Chief of Police that are permanent in nature. They announce personnel changes such as new hires, resignations, retirements and promotions. Gives written direction to the department's goals, objectives and methods of operation.
- Memorandum - Used to provide direction at a level of command not authorized to issue General or Special Orders.
- Instructional Material- Training guides and instructional material.

201.3 GENERAL ORDER AND WRITTEN DIRECTIVE FORMAT

There are only six authorized written formats by which information and directions may be disseminated to members and employees. The Pacific Grove Police Department will function under the following written directive system consisting of:

1. Rules and Regulations
2. General Orders-Policies and Procedures
3. Department Memorandums
4. Instructional Materials
5. Operational Plans

Each of these formats shall have a different level of authorization and different provisions for their dissemination, purging, review and revision. However, each format, when directive in nature, shall be considered a lawful order.

Rules and Regulations – A rule directs the specific actions of an employee. The essence of a rule is its inflexibility and it permits no deviations or exceptions. Due to its inflexibility, a rule is only justified when there is an unchanging feature in a situation. Violation of a rule is grounds for disciplinary action. All other written directives must be consistent with the rules and regulations.

General Orders-Written directives designed to announce adoption or revision of policies and to direct procedure for the indefinite future. All General Orders will be maintained in a manual within the Lexipol System.

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General Orders will be numbered sequentially and separated by volumes:

- Volume 1: Law Enforcement Role and Authority
- Volume 2: Organization and Administration
- Volume 3: General Operations
- Volume 4: Patrol Operations
- Volume 5: Traffic Operations
- Volume 6: Investigation Operations
- Volume 7: Equipment
- Volume 8: Support Services
- Volume 9: Custody
- Volume 10: Personnel

Each volume will begin with the hundred number of the volume (example: Volume 3 will begin with general order number 300). Each individual policy will be numbered and titled. Any General Orders issued after publication of the manual shall continue in number order in the appropriate section for which it pertains.

Memorandum– Written directive designed to facilitate and provide direction for the smooth operation of the department. Upon approval of the Chief of Police, any department supervisor can issue memoranda concerning his area of responsibility.

Instructional Material – Written or recorded material designed to provide continuous in-service training to all department employees. Instructional materials are usually issued by the Chief of Police or the department training officer and include the following:

(a) Training bulletins

(b) Manuals

(c) Lesson plans

(d) Reporting guides

(e) Job descriptions

(f) Audio or video tapes

Operational Plans- A written directive developed for specific types of operations such as but not limited to parades, long term road construction or other unusual situations. Operational Plans are specifically written for one particular operation and upon completion of the operation are self-canceling. Proposed Operations Plans are to be submitted to the Commander for review. The Commander has the authority to approve the plan, return it for further development, cancel or postpone it. Upon approval of the plan, the Commander will direct what other notifications will be required. The Commander will make notification to the Chief of Police. It will be the responsibility of the supervisor in charge of the operation to insure that all personnel involved in the operation are

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briefed and clearly understand the purpose of the operation, procedures to be followed during the operation, and their specific responsibilities and assignments during the operation. All personnel involved in the operation will be provided with a copy of the Operation Plan during the briefing. Any recommendations for changes, or adjustments regarding the operation must be made at that time.

201.4 PREPARATION OF PROPOSED OR REVISED WRITTEN DIRECTIVES

The Chief of Police will have overall responsibility for the maintenance and indexing of the department manual. Each directive will be indexed according to the general topic area it addresses. Each general topic area will comprise a volume of the directive system.

- General Orders will be reviewed at least once annually by the Chief of Police or designee.
- The Chief of Police may assign the review of specific directives to persons in the department responsible for the functional area of the directive.
- When a directive has been determined to be outdated or in need of revision, the Chief of Police will assign personnel as necessary to accomplish the task. Revised directives will follow the same procedural steps as new directives.
- Directives will be purged only on the order of the Chief of Police, or when replaced by another directive. A record of archived or purged directives will be maintained in the Lexipol system.
- Department employees may request a change in a written directive when an operational need has been identified that would warrant the modification by submitting a memorandum through the established chain of command.

If there is a need for a policy to be created it shall be reviewed in the following manner:

- Once a new policy or procedure is prepared, it will be submitted to the Chief of Police for a first review.
- The Chief shall review the subject matter of the policy for accuracy, completeness and proper procedures.
- The Chief shall determine if the directive requires a legal opinion.
- The written directives will be distributed to the Commander, Sergeants, POA, and/or appropriate member for review and suggestions.
- Employees shall objectively review the subject matter and make recommendations for any changes, additional information, or clarification, to the Chief.
- The Chief will consider the recommendations.
- Any necessary revisions made to the directive will then be approved by the Chief. The effective date is the date that the directive is issued by the Chief. If the directive has been changed or updated, the effective date remains the same, but the Chief will have a different approval date. The information is then distributed to all personnel via Lexipol.

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- Annually the Chief or designee will review all policies and procedures to determine if changes are necessary.

An exception to the above process may be made to the issuance of a policy for safety issues, liability issues, new laws, and Federal, State, County or City mandates which will take effect immediately.

201.5 COMPLIANCE AND EMPLOYEE ACTION WHERE NO WRITTEN GUIDELINES EXIST

Compliance:

- The written directive system is the operating system of the police department. Officers shall comply with any and all written orders without exception.
- Insuring compliance with all written orders shall be a primary responsibility of supervisory officers. Disobedience of one or more provisions of the written orders of this agency shall form the basis for a disciplinary action.
- As the issuing authority, the Chief of Police is the only person authorized to order or allow deviations from the provisions of the general orders.
- Employees are occasionally faced with a situation where no written guidelines exist, and supervisor's advice is not readily available. As it would be impossible and undesirable to attempt to address all possible situations with written guidelines, considerable discretion is given to employees.
- Faced with the need to make decisions or take action where no guidelines exist, employees should rely on the following resources:

1. Training – Prior training may give guidance in situations the department has not specifically addressed with written guidelines.
2. Judgment – Each employee, as a professional, has developed the ability to judge situations based on experience.
3. Organizational Values – The department has developed a set of values used to guide the direction of the department.

201.6 ACCEPTANCE OF GENERAL ORDERS

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

201.6.1 DISTRIBUTION

Every employee in the department is responsible for knowing the current policy, staying up to date on new or modified rules, and the purging of rules as directed by order of The Chief of Police.

It shall be the responsibility of supervisors at the appropriate level of command to orally advise all employees affected by an order of the purpose, scope and intent of the order. Supervisors of the

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affected personnel should conduct review and discussion of each order. Each supervisor shall be directly responsible to insure the contents of all general orders are disseminated to personnel within their command.

Distribution of written directives and associated materials will be accomplished by way of a computerized document distribution (Lexipol) program utilized by the department. The Lexipol system will enable the department to electronically distribute documents and retain a permanent record for each employee documenting receipt of the distributed materials. It is the responsibility of each employee to log into the Lexipol system on a daily basis to review the material(s) that have been posted to the site. All employees must digitally sign for each document posted to the site.

201.7 ISSUANCE OF POLICIES (EXISTING, PROPOSED, AND REVISED)

Policies will be created with input from staff and upon the approval of the Chief of Police, will be issued. Proposed and currently ssued policies will be reviewed periodically to insure they are up to date and according to laws, ordinances, agency procedures, and not to contradict other existing agency directives. Members are encouraged to submit in writing recommendations for revisions to the Chief of Police through proper channels.

201.8 PURGING, UPDATING, AND REVISING WRITTEN DIRECTIVES

Each written directive shall be reviewed, updated, revised, or purged as necessary, or as mandated by a higher authority. Any modification to an existing policy and procedure shall be reviewed by the Chief of Police prior to distribution. Upon completion of the review, revision, or update, the reviewing officer shall click the acknowledgement box. All modifications or replacement of an existing written directive must be disseminated to all all staff for review. Employees shall receive an email notification whenever a directive is created, updated, or revised. Any revisions to a policy or policies which are archived shall be retained within Lexipol and in accordance with the records retention schedule.

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Training Policy

203.1 PURPOSE AND SCOPE

It is the policy of Pacific Grove Police Department to administer a Training Program that will provide for the professional growth, continued educational development of its personnel and maintain compliance with State, Federal, and City mandates. 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. The training manager will assist supervisors and administration.

203.2 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, legal and legislative mandates. Whenever possible and applicable, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST) as outlined in the Training Plan of this policy.

203.3 OBJECTIVES

The objectives of the Training Program and Training Committee are to:

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

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

(c) Provide for continued professional development of department personnel.

203.4 TRAINING NEEDS ASSESSMENT

The Operations Commander and Administrative Services Manager will conduct an annual training needs assessment review of the Department. The annual needs assessment will be completed by the department Training Manager with the assistance of the Supervisors. Upon approval by the Chief, the needs assessment will form the basis for the Training Plan for the calendar year, in conjunction with the two year POST training cycle.

203.6 TRAINING PLAN/ANNUAL IN-SERVICE TRAINING PROGRAM

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 at minimum and ensure all training is conducted and completed based on policy in a timely manner. The Training Plan will at a minimum address the following areas:

(a) Use of Force Training;

(b) De-escalation Training;

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(c) Firearms Training;

(d) Less-Lethal Training;

(e) Legislative Changes;

(f) State Mandated Training;

(g) Critical Training Issues;

(h) Department and City Policies and Procedures;

(i) POST Basic Police Academy;

(j) POST Perishable Skills Program (PSP) Training;

(k) POST Continued Professional Training (CPT);

(l) Specialty Assignment Training needs;

(m) Employee Career Development;

(n) Promotional Training requirements.

The Training Manager utilizes law enforcement Training Matrixes to ensure department personnel receive the legislatively mandated and recommended training, required update training (ongoing re-training), and/or certification for the position they are assigned. The Training Matrixes as well as the identifying training needs identified by the will serve as guidelines to the Training Manager and all employees to further enhance the professionalism of the Department.

203.7 DEPARTMENT LESSON PLANS

All instructors conducting training courses for Department personnel must have a lesson plan for each course of instruction and a list of resources required in the delivery of the program. Instructors should utilize the POST PSP Overview and Implementation Guidelines; and/or other pertinent instructor development materials in the preparation of their lesson plans. Course outlines will be approved by the Training Manager or designee and should include the following:

(a) Lesson plans developed by certified instructors when possible;

(b) Training objectives, describing performance and job related relevance;

(c) Course outline and content of training;

(d) Hourly distribution of formal training;

(e) List of resources used in the development of the curriculum;

(f) Location and materials or equipment needed, if relevant;

(g) Safety policy, if required;

(h) Practical or written tests to be administered, if any.

Expanded course outlines will include POST Guideline category and sub-category references for submittal to POST for course approval, if certification is desired or required. Submittal to POST

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for approval will be completed by the Training Manager or designee with the assistance of the instructor designing the course.

All primary instructors shall attend a POST approved instructor course for the particular subject matter to be instructed prior to conducting department training if available. Personnel may serve as assistant instructors under the direction of a POST trained instructor. All internal courses of instruction will have a certified instructor present during training.

The Training Manager will maintain a file containing all training lesson plans conducted by the Pacific Grove Police Department for the two year POST training cycle, and afterward forward to the Administrative Technician.

203.7 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 Sergeant to attend the required training on an alternate date.

CAREER DEVELOPMENT

The Department recognizes that career development promotes productive, efficient and effective job performance, improves job satisfaction, and provides employees with individual opportunities for growth and development. Career development is vital in assisting the agency in meeting its goal to provide exceptional public safety services to the community.

All sworn and civilian personnel who are promoted to first line supervisor must successfully complete the POST Supervision Course, within the first year of appointment. All personnel receiving promotion to a mid-management level must complete the POST Management Course within the first year of appointment.

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When employees are promoted to a supervisory level, they receive training in counseling and career development skills as part of the supervisor training process. This training provides increased skills and knowledge in the following areas:

1. General counseling techniques.
2. Skills, knowledge and ability assessment techniques.
3. Record keeping techniques.
4. Availability of outside resources.
5. Awareness of the cultural backgrounds of ethnic groups within the agency.
6. Educational opportunities and incentive programs.
7. Salary, benefits, and training opportunities within the agency.

203.8 <STRONG>DEPARTMENT TRAINING RECORDS </STRONG>

Employees attending any training course should sign the roster from the presenter for record purposes. Training presented by the Department will have a course roster which should include a brief course description and POST Course Control Number (CCN if POST certified), the date of the training, the name of the lead instructor and a notation indicating if each employee has satisfactorily completed the training. All course rosters shall be provided to the Training Manager promptly after training has concluded. If a test was administered, or scores calculated, they will be given to the Training Manager. After review and appropriate disposition, the Training Manager will forward all required training related records and documents to the Administrative Technician.

An employee attending a Department approved training course is responsible for submitting documentation of completion to the Training Manager and Administrative Technician. The Administrative Technician will maintain all submitted training related records and documents in designated department and employee training files in accordance with retention requirements.

203.9 TRAINING COSTS AND REIMBURSEMENT

When an employee is assigned training outside the Department, pursuant to this policy, the Department will pay for approved expenses associated with the training. The Administrative Technician is responsible for coordinating travel arrangement, training expenses advances, and reimbursements (if any). The Administrative Technician should determine if a City vehicle is to be used for travel, or mileage reimbursement is authorized. Travel expense reimbursements shall follow City Council Policy.

When an employee is approved to attend training outside the Department, and the training is not paid for by the Department, the employee shall be responsible for all costs, travel arrangements and expenses. Tuition reimbursement for sworn personnel may be requested as outlined in the Pacific Grove Police Officer’s Association MOU.

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203.10 TRAINING ATTENDANCE

An employee seeking to attend training outside the Department shall complete a Training Request Form and receive approval from their direct supervisor, the Training Manager (sworn personnel only), their Manager or Commander, and the Chief of Police. Each participant must sign the attendance roster for the day of training.

An employee attending departmentally approved training, paid by the employee, may be allowed to adjust their work schedule/days off to attend if all the following conditions apply:

(a) Must be an approved course relevant to the employee's assignment;

(b) Must be requested and approved in same manner as other training;

(c) Attendance dates and adjusted work schedule/days off must be within same pay period;

(d) No overtime should be necessary to backfill for the employee attending training.

All Department employees shall attend or complete assigned training unless previously excused by their immediate supervisor. The Department Training Manager or designee will be notified in the event an employee is excused or fails to attend assigned mandatory training. The employee's immediate supervisor, and the Training Manager or designee will be notified in the event an employee is excused from or fails to attend training. Excused absences from mandatory training should be limited to the following:

(a) Court appearances;

(b) First choice vacations;

(c) Sick leave;

(d) Military leave;

(e) Physical limitations preventing the employee's participation;

(f) Emergency situations.

When an employee is unable to attend mandatory training, that employee shall notify their supervisor as soon as possible but no less than one hour prior to the start of training, and document their absence in a memorandum to their supervisor.

It will be the collective responsibility of the Training Manager or designee, the individual employee, and the employee's immediate supervisor to coordinate jointly any required training the employee may have missed or requires remediation due to an unsatisfactory training performance as outlined in remedial training section.

203.11 REMEDIAL TRAINING<STRONG></STRONG>

If assigned training is not completed satisfactorily or practical/written tests are not passed, remedial training shall be given as soon as practical. Remedial training should be provided until such time that the employee can satisfactorily pass the required training, or he or she has demonstrated a failure to respond to the training provided. The employee should be given a

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reasonable amount of time to satisfactorily meet the requirements of the training. Remedial training may include a Personal Improvement Program (PIP), if appropriate. If an employee refuses or fails to respond to remedial training they may be subjected to the provisions of the Conduct of Standards and Performance Improvement Plans policies. All remedial training records shall be maintained in the employees training file.

203.12 <STRONG>BASIC ACADEMY ASSIGNMENTS </STRONG>

All Personnel hired and assigned to attend a POST certified law enforcement basic academy are referred to as “Police Recruits,” and are not sworn peace officers. Once assigned to attend the police academy, Police Recruits are under the direct supervision of the academy staff. The Field Training Sergeant or designee will serve as the immediate supervisor and liaison between the Department and the Academy.

All police recruits must successfully complete a POST certified law enforcement basic police academy before he/she has the powers of arrest, be issued a firearm, or assume any responsibility that would entail police powers.

The recruit training program shall include:

(a) A curriculum based on tasks of the most frequent duties of sworn personnel who complete recruit training

(b) Use of evaluation techniques designed to measure competency in the required knowledge, skills, and abilities

(c) An orientation handbook issued to all new recruit personnel at the time academy training begins

203.13 DAILY TRAINING BULLETINS

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

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

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

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

203.14 CALEA ACCREDITATION TRAINING

The CALEA Manager or designee will ensure that all personnel are familiar with accreditation and its impact on the Pacific Grove Police Department. The purpose of this training is to familiarize department members in all areas of accreditation including, but not limited to, history and background, the agency's involvement in the process including the self-assessment phase, the goals and objectives of accreditation and the advantages and impacts on the organization. Agency personnel shall receive this training by the accreditation manager as follows:

(a) To all hired agency personnel within thirty days of their date of hire, within thirty days after completing the recruit academy

(b) To all agency personnel during the self-assessment phase associated with achieving initial accreditation

(c) To all personnel prior to an onsite assessment

(d) Due to the specialized role, any agency personnel assigned to the role of accreditation manager shall receive special accreditation manager training within one year of appointment. The newly selected manager should attend at least one CALEA Conference during the current award period for additional training as well as participate in the local Police Accreditation Coalition (PAC).

203.15 SPECIALTY ASSIGNMENTS

Officers assigned to specialty positions (tactical teams, crisis negotiations, Prvnt, SRO, etc) which require specialized training will receive such training within one year of the assignment(s). If training is not available within these time frames, it will be provided as soon as is reasonably possible.

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (e-mail) system by employees of this department. E-mail 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 e-mail 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.

204.1.1 DEFINITIONS

Electronic Mail (Email) - Email may include non-interactive communication of text, data, video, images or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "Email", "facsimile" or "Instant Messaging" system; or voice messages transmitted and stored for later retrieval from a computer system.

Public Record - Any record relating to the conduct of the public's business prepared, owned, used or retained by the City regardless of physical form or characteristics.

204.2 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.

204.3 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 Operations Commander. Personal advertisements are not acceptable.

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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.

Please refer to the City of Pacific Grove Employee Handbook regarding 509 Computer and Email Usage.

204.4 CHECKING OF E-MAIL WHILE ON-DUTY

It is important that all employees of this department check their respective e-mail messages at least twice a day during their assigned shift. It is recommended that the checks be made at both the beginning and again just prior to the end of your shift. Important messages, as well as general information, will be sent department-wide through the e-mail system. Therefore, all on duty employees shall make it a daily habit to check for e-mail messages.

204.5 NONEXEMPT EMPLOYEES ACCESSING E-MAIL WHILE OFF-DUTY

Employees whose jobs are governed by the FLSA are classified as being either "exempt" or "nonexempt."

- Nonexempt employees are entitled to overtime pay.
- Exempt employees are not entitled to overtime pay.

Nonexempt employees are prohibited from using remote access to the City's Technology Resources to conduct work during off-work hours outside their regularly scheduled or normal work hours. Nonexempt employees are permitted; however, on a very limited basis to voluntarily use remote access during non-work hours to check e-mail and/or other communication devices for messages and/or to exchange brief messages for informational purposes only and only for a duration not to exceed more than eight (8) minutes during any work day.

204.6 EMAIL RECORD MANAGEMENT

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

The Information Tech Manager in conjunction with the city clerk shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 DEPARTMENT DIRECTIVE

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

Informational writings which include both paper format and electronic mail messages are necessary or desirable for the efficient operations of the Department. Memorandums may be initiated by any member of the Department and shall be directed through the Chain of Command. Memorandums shall bear the signature, or initials, of the originating member of the Department.

Memorandums shall not alter or conflict with any policy of the Department.

All memorandums disseminated within the agency shall receive prior approval by the employee's immediate supervisor.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. Personnel should use Department letterhead only for official business and with approval of their supervisor.

Internal correspondence shall be in the form of a memorandum using a format approved by the Chief of Police.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or Patrol Operations Commander.

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License to Carry a Firearm

206.1 PURPOSE AND SCOPE

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

206.1.1 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).

206.2 POLICY

The Pacific Grove Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy. It is the policy of the Pacific Grove Police Department that general requests for permits to carry a firearm be referred to the Monterey County Sheriff's Department. The Chief of Police may consider issuing concealed weapons permits to those qualified retirees from our agency. Also, refer to Policy 207 - Retired Police Officer CCW Endorsements.

206.3 QUALIFIED APPLICANTS

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

(a) Be a resident of the City of Pacific Grove (Penal Code § 26150; Penal Code § 26155).

(b) Be at least 21 years of age (Penal Code § 29610).

(c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.

(d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.

(e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).

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

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

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

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

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

206.4 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.

206.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.

2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:

(a) Require the applicant to complete the package before any further processing.

(b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.

(c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Pacific Grove for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).

1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.

2. Full payment of the remainder of the application fee will be required upon issuance of a license.

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

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(c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

(d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.

(e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

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

206.4.2 PHASE TWO

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

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

1. The determination of good cause should consider the totality of circumstances in each individual case.
2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).

(b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

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

(d) The applicant shall submit any firearm to be considered for a license to the Range Master 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 Range Master, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/ examination shall be the responsibility of the applicant.

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

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

206.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Pacific Grove (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).

206.6 ISSUED FIREARMS PERMITS

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

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

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.
2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.

(c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

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

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206.6.1 LICENSE RESTRICTIONS

(a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him/herself as a peace officer.
3. Unjustified or unreasonable displaying of a firearm.
4. Committing any crime.
5. Being under the influence of any medication or drug while armed.
6. Interfering with any law enforcement officer's duties.
7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
8. Loading the permitted firearm with illegal ammunition.

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

(c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

206.6.2 AMENDMENTS TO LICENSES

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

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

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

206.6.3 REVOCATION OF LICENSES

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

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

(b) The licensee becomes psychologically unsuitable to carry a firearm.

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(c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.

(d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

(e) If the license is one to carry “loaded and exposed,” the license shall be revoked immediately upon a change of the licensee’s place of residence to another county (Penal Code § 26210).

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

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

206.6.4 LICENSE RENEWAL

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

(a) Verifying all information submitted in the original application under penalty of perjury.

(b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).

(c) Submitting any firearm to be considered for a license renewal to the Department Instructor for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer’s specifications or that is unsafe (Penal Code § 31910).

(d) Paying a non-refundable renewal application fee.

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

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

206.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the California DOJ:

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

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(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 retired peace officers.

206.8 CONFIDENTIAL RECORDS

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

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

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

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

207.2 POLICY

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

207.3 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.

207.3.1 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 Pacific Grove 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.

207.3.2 AUTHORIZATION

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

207.4 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).

207.4.1 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This department is in possession of the retiree’s complete personnel record or can verify the retiree’s honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

207.4.2 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

(b) The retiree’s name and date of birth.

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(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.”

207.5 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.

207.5.1 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.

207.5.2 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.

207.6 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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207.7 FIREARM QUALIFICATIONS

The Firearms Instructor may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Department Instructor will maintain a record of the qualifications and weapons used. In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall (Penal Code § 26305(b)):

(a) Qualify annually with the authorized firearm at the Pacific Grove Police Department range or at a range approved by the Patrol Division Commander, at the retired officer's or qualified reserve officer’s expense.

  1. The minimum range qualification requirement shall consist of 15 rounds at a target. Rounds are to be scored at face value. The minimum passing score is 80%.

  2. Failure to qualify shall be considered reason for revoking the CCW privilege.

(b) Remind subject of all updated department rules and policies as well as all federal, state and local laws.

(c) All retired personnel shall be updated on department policy regarding firearms, safety procedures, qualifications and all other applicable laws and procedures.

(d) Only be authorized to carry a concealed firearm inspected and approved by the Department.

(e) Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification, the location of the range and armorer. The Range Master will maintain a record of the qualifications and weapons used.

207.8 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.

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2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).

3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.

2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped “No CCW Privilege.”

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

3. The personal and written notification should be as follows:

(a) The retiree’s CCW endorsement is immediately and temporarily suspended.

(b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.

(c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above 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.

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Staffing Levels

208.1 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.

208.2 MINIMUM STAFFING LEVELS

Minimum staffing levels will have one supervisor who will act as the Watch Commander. A minimum of one patrol officer will be on-duty. The Watch Commander will be of the rank of Sergeant unless that assigned Sergeant is unavailable and an Officer assigned as Corporal will be that shift's Watch Commander. Each shift shall have either a Sergeant and/or Officer assigned as Corporal on-duty at all times unless authorized by the Operations Commander.

208.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a corporal may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Operations Commander, a corporal may act as the Watch Commander.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

The Pacific Grove Police Department's highest priority is safeguarding the life, dignity and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using appropriate tactical deployment, use of appropriate crisis intervention techniques, and an effort to de-escalate incidences prior to the application of any use of force, whenever feasible.

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.

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.

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

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

300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

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

(e) The effects of suspected drugs or alcohol.

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

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

(h) Proximity of weapons or dangerous improvised devices.

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

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

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

(l) Training and experience of the officer.

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

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

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

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

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

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

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

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

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300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(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.

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 imminent threat of death or serious bodily injury to the officer or another person.

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

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DISPLAYING OF FIREARMS

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

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

(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 imminent 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. 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.

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300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification, including Operations Division Commander, shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

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

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

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

(h) An individual was struck or kicked.

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

300.5.2 REPORT OF FIREARM DISCHARGE

Except during training or lawful recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to the on-duty Watch Commander or 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 Death 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. The Watch Commander shall notify the Commander as soon as possible.

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

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

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

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 Section Policy.

300.6 MEDICAL CONSIDERATION

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

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

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

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

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

300.7 RELIEF FROM DUTY PENDING ADMINISTRATIVE REVIEW

Any employee of the Pacific Grove Police Department, whose action(s) or use of force in any capacity results in death or serious injury, will be placed on paid, administrative leave by the Chief of Police, pending an administrative review of the event. The employee will be provided stress/traumatic incident counseling coordinated through the Employee Assistance Program or Department.

When an employee is involved in an incident that results in a person's death or serious injury and the employee's action(s) were not the cause, the Chief of Police will temporarily remove the employee from field duty. The employee will be provided stress/traumatic incident counseling coordinated through the Employee Assistance Program or Department. The employee's supervisor shall create a schedule to allow for time to attend counseling sessions. The Chief of Police maintains the final authority as to when the employee may return to field duty assignment.

300.8 SUPERVISOR RESPONSIBILITY

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

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(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.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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

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

300.8.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy. The Watch Commanderwill forward the reviewed Use fo Force report to the Police Commander.

300.8.2 OPERATIONS COMMANDER RESPONSIBILITY

The Commander will administratively review every Use of Force report to:

(a) Evaluate the circumstances surrounding the incident to provide insight for any changes needed in regards to training or policy.

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(b) initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate in such cases, notify the Chief of Police as soon as practical.

(c) To assist in the completion of the annual use of force analysis.

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 Sergeant should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

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

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

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

300.10 USE OF FORCE ANALYSIS

Annually, the Commander shall prepare an analysis report on use of force incidents annually by January 31 of each calendar year. The report should be submitted to the Chief of Police. The report shall not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Date and time of incidents

(c) Types of encounters resulting in use of force

(d) Trends or patterns related to race, age and gender of subjects involved

(e) Trends or patterns resulting in injury to any person including employees

(f) Impact of findings on policies, practices, equipment, and training

(g) Training needs recommendations.

(h) Equipment needs recommendations.

(i) Policy revision recommendations.

300.11 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited and may not be discharged.

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300.12 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)).

300.13 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)).

300.14 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)).

300.15 POLICY AVAILABILITY

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

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Control Devices and Techniques

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

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

301.3 ISSUING, CARRYING AND USING CONTROL DEVICES

All control devices described in this policy shall be thoroughly inspected prior to issuance to any member of this department by the appropriate qualified weapons instructor. Control devices described in this policy may be carried and used by members of this department only after the weapons have been issued by the Department qualified weapon instructor and approved by the Chief of Police.Chief of Police

Only officers who have successfully completed department-approved training in the use of any control device, received and trained in the use of force policy, and has shown proficiency in deployment of less lethal weapons are authorized to carry and use the device(s).

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.

Nothing in this policy is designed to limit or preclude a member of the SRU Team, when circumstances warrant, from using their training and experience in both weapons and tactics to achieve a legitimate law enforcement purpose. The appropriate department instructor shall maintain a record and inventory on each weapon approved by the agency for official use.

301.4 BATON GUIDELINES

Impact devices are those devices that are held by an officer and whose striking action is designed to gain control of a subject.

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.

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

Impact devices shall not be used in a striking action against subjects who are non-violent and are being passively resistant to arrest and/or legal detention.

Pacific Grove Police Department approves the following impact devices;

- Department issued straight stick baton
- Armament System & Procedures (ASP) Expandable Batons
- Peacekeeper Products International Expandable Batons

301.5 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Special 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.

301.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray 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. 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.

301.6.1 OC SPRAY

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

301.6.2 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.

301.7 POST-APPLICATION NOTICE

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

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Information regarding the method of notice and the individuals notified should be included in related reports.

301.8 KINETIC ENERGY PROJECTILE GUIDELINES

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

301.8.1 DEPLOYMENT AND USE

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

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

(a) Shotguns have been specifically designated for the discharge of kinetic energy projectiles. The stocks and fore-ends of the designated weapons are fluorescent orange in color. The designated shotguns and less lethal ammunition are to be carried in the trunk of all patrol vehicles and inspected at the beginning of each shift. Under no circumstances shall these specifically designated less lethal shotguns be loaded with duty buckshot or slug ammunition.

(b) Whenever officers fire less lethal projectiles that strike anyone, they shall attempt to collect the spent projectile(s) and maintain them as evidence. Less lethal projectiles are designed to be effective within the certain minimum and maximum ranges. Officers should take appropriate care to ensure that they are within the projectile's effective range before firing at anyone.

(c) Kinetic energy projectiles shall not be used against subjects who are non-violent and are being passively resistant to arrest and/or legal detention.

(d) 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 should be considered along with assessing whether the use of force against subjects engaged in criminal or suicidal behavior is objectively reasonable.

(e) When practical, an officer who brings a Kinetic Energy Device (KED) to the scene of an incident should advise the other officers of its presence and/or availability.

(f) When practical, officers should make an announcement to other officers and the subject that a Kinetic Energy Projectile is about to be deployed, by announcing "less lethal, less lethal."

(g) Crowd control or riot control situations, when the crowd is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers. It is recognized that riotous behavior is inherently dangerous and as such the use of KEDs is authorized:

    1. Only a Watch Commander should consider the deployment of KEDs in a tactical operation in crowd control or riot control situations.

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(a) The authorization for the use of KEDs shall not be made by an officer below the rank of Sergeant or Corporal if they are acting as the officer in charge of the shift.

1. If a riot occurs, officers are authorized to deploy KEDs.

(b) When assisting another agency outside our city limits, the authorization process should be via an Pacific Grove Police Department supervisor, who is not below the rank of sergeant.

2. If practical, the Operations Commander should be consulted prior to the deployment of KEDs in crowd control situations.

3. When practical, paramedics should be alerted or summoned to assist in providing medical aid when KEDs are being deployed and the scene is safe.

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

301.8.2 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.

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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.

301.8.3 SAFETY PROCEDURES

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

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

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

301.9 MEDICAL TREATMENT AND OTHER RESPONSIBILITIES AFTER DEPLOYMENT OF KINETIC ENERGY PROJECTILE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. The subject should be examined by Monterey Paramedics, or other qualified medical personnel. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by Monterey Paramedics, or other qualified medical personnel, as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

Individuals who have been struck by a kinetic energy projectile and who are also suspected of being under the influence of controlled substances and/or alcohol should be examined by paramedics or other qualified medical personnel as soon as practicable. Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g. nudity, profuse sweating, and irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the deployment of a kinetic energy projectile until they can be examined by paramedics or other medical personnel.

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301.10 TRAINING FOR CONTROL DEVICES

The Training Manager and Department Instructor shall insure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or re-certified.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor, at a minimum biennially for all less lethal weapons and weaponless control techniques.

(b) All training and proficiency for each individual 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.

(d) In-service training on the agency's use of force policy and demonstrating proficiency with all approved lethal weapons and electronic controlled weapons shall be done at least annually.

301.11 PROCESS TO REMOVE UNSAFE CONTROL DEVICES

Any control device authorized by the department to be carried on or off duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the department instructor for inspection and repair. Any control device deemed in need of repair or service by the department instructor will be immediately removed from service. The malfunctioning device shall be replaced until the officer's duty control device is serviceable.

301.12 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 and each deployment shall be administratively reviewed by the Commander.

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Conducted Energy Weapon

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of CEWs.

302.2 POLICY

The Conducted Energy Weapon (e.g., TASER) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects. The CEW is an additional law enforcement tool and is not intended to replace firearms or replace other equipment, tools or techniques. The CEW should be used only when it is appropriate for the situation.

302.3 ISSUANCE AND CARRYING CEWS

All CEWS described in this policy shall be thoroughly inspected prior to issuance to any member of this department by the appropriate qualified weapons instructor. CEWS described in this policy may be carried and used by members of this department only after the weapons have been issued by the Department qualified weapon instructor and approved by the Chief of Police.

Only members who have successfully completed department-approved training may be issued and carry the CEW. The Taser X2 is the only department-approved CEW. CEWs 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. The appropriate department instructor shall maintain a record and inventory on each weapon approved by the agency for official use.

Officers shall only use the CEW and Taser International Taser X2 Smart Catridges that have been issued by the Department. Uniformed officers who have been issued the CEW shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CEW in a locked compartment or safe inside their city-owned vehicle.

Members carrying the CEW should perform a spark test on the unit prior to every shift. When carried while in uniform officers shall carry the CEW in a weak-side holster on the side opposite the duty weapon.

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

(b) Whenever practicable, officers should carry two cartridges loaded in the X2 as designed.CEW.

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

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

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302.4 VERBAL AND VISUAL WARNINGS

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

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

302.5 USE OF THE CEW

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the device. Although the CEW 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.

302.5.1 APPLICATION OF THE CEW

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

(a) The subject is violent, physically resisting and/or posing an immediate threat to himself/herself, officers or others.

(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 CEW to apprehend an individual.

302.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

1. Pregnant females present the risk of secondary injuries to their person and the fetus when a CEW is utilized and/or should they fall on their stomachs.

(b) Elderly individuals or obvious juveniles.

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1. If an officer should elect to apply a CEW to a child (17 years-old or younger) a greater justification will be required. The younger the child, the greater the justification that will be required for the use of a CEW.

(c) Individuals who obviously have a low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals whose position or activity may result in collateral injury (e.g., falls)

(f) Persons running (fleeing a lawful arrest or detention).

1. The officer shall have articulable reasons to lawfully detain or arrest a subject who is running, which are not solely based on their fleeing.
2. When a CEW is used on a subject, while they are running, it may expose them to secondary injuries as a result of their momentum when falling to the ground.
3. Officers should avoid using a CEW when the subject is running on or nearby asphalt, concrete or other dangerous areas that may cause extensive injuries from a fall. In these instances, officers must weigh the suspected crime and/or circumstances for detaining the subject, and the potential injuries that the subject may incur as a result of deploying the CEW while they are running.

Because the application of the CEW in the drive-stun mode (e.g., 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. When applying the drive stun mode, the officer should attempt to avoid the face, throat and groin areas of the body.

302.5.3 UNAUTHORIZED USES OF A CEW

The CEW shall not be used :

(a) to torture, psychologically torment, elicit statements, or punish any individual.

(b) against a subject who submits peacefully and complies with lawful commands.

(c) when individuals are involved in passive civil demonstrations (i.e. sit-ins, picketing, etc.), when there are no other extenuating circumstances.

(d) to compel a subject to surrender narcotics that they are holding in their mouth or attempting to swallow

(e) when the officer reasonably should know a subject has come into contact with flammable liquids, gases, other combustible substances or materials, or is in a flammable atmosphere.

(f) to awaken unconscious or intoxicated individuals.

(g) in ideployment applications by two or more officers at the same time.

(h) on a person operating a moving vehicle or machinery.

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302.5.4 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 CEW 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.

302.5.5 MULTIPLE APPLICATIONS OF THE CEW

Any repeated application of a CEW must be justified and articulable. An officer who utilizes multiple applications of the CEW on an individual must articulate the number and reasons for such deployment in their report. Officers should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

(a) Whether the probes are making proper contact.

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

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

302.5.6 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CEW discharges. AFID tags shall be collected and the expended cartridge, along with both probes and wire, shall 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.

Photographs should be taken of the area affected by the discharged probes or of any points where the discharged device made direct contact with the subject's skin. Photographs should also be taken of any other subsequent injuries that were a direct result of the application of a CEW. Such photographs should be booked into evidence or digitally attached to report.

302.5.7 DANGEROUS ANIMALS

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

302.5.8 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEWs while off-duty. Officers shall ensure thatCEWs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

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302.6 DOCUMENTATION

Officers shall document all CEW discharges in the related arrest/crime report and the CEW report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form. Each report shall be administratively reviewed by the Commnader.

302.6.1 CEW FORM

Items that shall be included in the CEW report form are:

(a) The type and brand of CEW and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Identification of all personnel firing TASERS.

(d) The reason for deployment. What precipitated the use of the TASER (include specific observations of the subject's physical and physiological actions).

(e) Additional information available to the officer(s), such as knowledge of the subject's past violent nature, expertise in martial arts or other unarmed defensive tactics, etc.

1. Indications of drug use and/or alcohol intoxication
2. Suicidal or mentally unstable subjects posing a threat to themselves or others

(f) Whether verbal and/or other warning was given, or reasons it was not given.

(g) Whether any display, laser or arc deterred a subject and gained compliance.

(h) The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(i) The range at which the range CEW was used.

(j) The type of mode used (probe or drive-stun).

(k) Location of any probe impact.

(l) Location of contact in drive-stun mode.

(m) Description of where missed probes went.

(n) Whether medical care was provided to the subject.

(o) Whether the subject sustained any injuries.

(p) Whether any officers sustained any injuries.

(q) Documentation of photos taken.

(r) The name and rank of the responding supervisor.

(s) Identification of all witnesses.

The Training Sergeant shall annually analyze the report forms to date and time of incidents, types of encounters, trends or patterns related to race, age and gender of subjects, trends or patterns

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resulting in injury to any person including employees, and impacts of findings on policies, practices, equipment and training, as well as deterrence and effectiveness. The training managershall complete a report of his/her findings. The Training Sergeant shall also conduct audits of data downloads and reconcile CEW report forms with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public. The report and audits shall be forwarded to the Commander who will review the documents to make training, equipment, and policy recommendations to the Chief of Police.

302.6.2 REPORTS

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

(a) Identification of all personnel firing CEWs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

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

302.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW 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 CEW probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

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

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The on-scene supervisor, or if 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.

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

302.8 SUPERVISOR'S RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CEW may be used. A supervisor should respond to all incidents where the CEW was activated. A supervisor should review each incident where a person has been exposed to an activation of the CEW. The device’s onboard memory should be downloaded through the data port by a supervisor or Department Instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

302.9 PROCESS TO REMOVE UNSAFE WEAPONS

Any CEW authorized by the Department to be carried on or off duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the department CEW Instructor for inspection and repair. Any CEW deemed in need of repair or service by the department instructor will be immediately removed from service. If the CEW is removed from service, a replacement will be issued to the officer until the officer's duty CEW is serviceable.

302.10 TRAINING

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

Proficiency training for personnel who have been issued CEWs should occur annually. A reassessment of an officer’s knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for CEWs will be documented in the officer’s training file.

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

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

The Training Sergeant is responsible for insuring that all members who carry CEWs have received initial and annual proficiency training. Annual audits should be used for verification.

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

The Training Sergeant should insure 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 CEW and transitioning to other force options.

(f) De-escalation techniques.

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

(h) Procedures after a CEW has been deployed.

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

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Firearms

303.1 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.

303.2 POLICY

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

303.3 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 Department Instructor. 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 Operations Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

303.3.1 DUTY WEAPON

The authorized department-issued duty weapon is the Glock 21.45 ACP. The authorized alternative weapon for Administration and/ or plain clothes members is the Glock 30 .45 ACP. and the Smith and Wesson M&P Shield 9-9mm. All department weapons will meet and remain consistent with manufacturer specifications. Department members are not authorized to alter the weapon. Repairs or changes to the weapon must be authorized by the department armorer and Chief of Police.

303.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt M-4 LE6920, Bushmaster XM15-E2S and the Daniel Defense DDM4V7. The Rifle ammunition to be used is the Speer Gold Dot Hollow Point 55 grain.

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

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(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

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

303.3.3 AMMUNITION

Officers shall carry only department-authorized ammunition whether on or off-duty. The duty ammunition for the Glock 21 and Glock 30 to be used is the.45 ACP Speer Gold Dot Hollow Point 230 grain. Officers shall be issued authorized duty ammunition in the specified quantity for all department-issued firearms annually during the member’s firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Department Instructor when needed, in accordance with established policy.

All department secondary weapons carried on-duty will be the Smith & Wesson Shield 9. The duty-ammunition for this weapon is 9mm Speer Gold Dot Hollow Point 124 grain +P. Officers carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining authorized ammunition in accordance with the above, at their own expense.

303.3.4 AUTHORIZED OFF-DUTY WEAPONS

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

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

(b) The officer may use his/her duty weapon or personally owned weapon that is carried and inspected in accordance with the Personally Owned Firearms requirements in this policy.

(c) The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.

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

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(e) It will be the responsibility of the officer to submit the firearm, ammunition, and holster to the Department Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to annual inspection by the Department Instructor.

(f) Prior to carrying any off-duty weapon, the officer shall demonstrate to the Department Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(g) The officer will successfully qualify with the firearm prior to it being carried and thereafter once annually.

(h) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Department Instructor, who will maintain a list of the information.

(i) If an officer desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met. The maximum off-duty weapons to qualify with and meet requirements of this policy is a total of three.

(j) Officers shall only carry department-authorized ammunition.

(k) When armed off-duty, officers shall carry their badge and Pacific Grove Police Department identification card.

(l) An officer, who carries a firearm while off-duty, shall surrender the weapon to the Chief or his/her designee for the purposes of conducting an investigation or inspection. When the person requesting the firearm is not the Chief, that person must have received their instructions directly from the Chief or his/her designee.

(m) Off-duty firearms must meet the specifications described in AUTHORIZED SECONDARY FIREARM.

303.3.5 AUTHORIZED SECONDARY FIREARM

Officers desiring to carry secondary firearms are subject to the following restrictions:

(a) Specifications

(b) The handgun must be double action for first shot, single action for subsequent shots with a slide or frame mounted decocking lever, or "Safe-Action" trigger similar to Glock and/or Smith & Wesson, or double action only. The magazine release for pistols must be located at the rear of the trigger guard.

(c) The manufacturer of the firearm must be approved by the Department’s Rangemaster and the Chief of Police.

(d) .380 ACP,.38 Special,.357 Magnum, 9mm Parabellum,.40 Smith and Wesson or.45 ACP are the authorized calibers.

1. The magazine or ammunition capacity must hold five (5) or more rounds.
2. The finish on the handgun must be blue, black, nickel or stainless.
3. The barrel length must be a minimum of 2".
4. The initial trigger pull weight must not be less than four (4) pounds on any handgun.

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5. The firearm must be inspected by the Rangemaster or Department armorer prior to being carried.

(e) The firearm shall be in good working order and in compliance of authorized specifications on the department list of approved firearms.

(f) Only one secondary firearm may be carried at a time.

(g) The purchase of the firearm and ammunition shall be the responsibility of the member unless the firearm and ammunition are provided by the Department.

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

(i) The firearm shall not be carried in any manner that would restrict or impede an officer's normal activities.

(j) The firearm shall be inspected by the Department Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(k) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(l) Prior to carrying the secondary firearm, Officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.

(m) Officers shall provide written notice of the make, model, color, serial number and caliber of a secondary firearm to the Department Instructor, who will maintain a list of the information.

(n) Any officer who carries a personally-owned, concealed second handgun as permitted by this policy, as a condition of carrying the weapon, expressly agrees to surrender the weapon to the Chief of Police or his/her designee for the purposes of conducting an investigation or inspection.

303.4 AUTHORIZED LESS LETHAL AND AMMUNITION

The authorized department issued less lethal weapons are the Remington 870 12 gauge shotgun with orange stock and fore grip, and the Penn Arms GL1 40mm launcher. When not deployed the 40mm launcher shall be properly secured consistent with department training in a locked trunk in the patrol vehicle. The Remington 870 12 gauge with orange stock and fore grip can be secured in a locking gun rack in the patrol vehicle or locked trunk of the patrol vehicle.

Guidelines for the use of these less lethal firearms are outlined in Policy Control Devices and Techniques. Officers shall carry only department authorized less lethal ammunition. This consists of the 12 gauge drag stabilized bean bag round for the Less Lethal shotgun and the 40mm Sponge round for the 40mm launcher. No gas, incendiary or stun-type ammunition is authorized.

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303.5 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. All department issued firearms will be inspected by the Department Instructor every 30 days. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

303.5.1 REPAIRS OR MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage or malfunction of department-issued firearm or personally-owned firearm approved for department use to a supervisor or the Department Instructor.

The Rangemaster and Department armorers shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issue weapons not performed by the Rangemaster or Department armorer must be approved in advance by the Rangemaster and accomplished by a Department approved gunsmith.

Any repairs or modifications to the officer's personally owned firearm shall be done at his/her expense and must be approved by the Department Instructor. The Department armorer may conduct repairs of the officers personally-owned firearm when practical.

303.5.2 OPTICS OR LASER SIGHTS

The department-issued duty weapon is supplied with night sights that shall not be removed or altered without prior approval from the Range Master and approval from the Chief. The department-issued patrol rifle is supplied with optics that shall not be removed or altered without prior approval from the Operations Commander. Optics or laser sights may only be installed on a firearm carried off-duty after they have been examined and approved by the Department Instructor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Officers should be qualified with and without the laser sight during required qualifications.

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

303.5.3 TACTICAL LIGHTS

Tactical lights are mounted on the department-issued Glock 21 duty weapon and shall not be removed or altered without prior approval from the Operations Commander. Tactical lights are also provided with the department-issued Glock 30 duty weapon for special assignments and may be installed as deemed necessary by the officer. Tactical lights may only be installed on a firearm carried off-duty after the weapon has been examined and approved by the Department Instructor. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Tactical lights are mounted on the department-issued patrol rifle and 40mm launcher and shall not be removed or altered without prior approval from the Operations Commander.

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The light-mount is not intended to replace the officer's handheld flashlight. A light-mounted on a weapon is a tool to be used as an aid during high-risk situations. For officer safety reasons, handguns with a light attachment must be carried in a hard frame holster, molded for the specific weapon system. The holster must be designed to carry the weapon with the light-mount still attached to the weapon. Soft framed holsters made solely of nylon material are not authorized. These types of holsters tend to collapse once the weapon is removed, making it difficult to re-holster the weapon.

303.5.4 HOLSTERS

Only department-approved holsters shall be used and worn by officers. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. All department holsters should be inspected once a year by the range master.

303.6 SAFE HANDLING, INSPECTION AND STORAGE

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

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

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Department Instructor. Members shall not dry fire or practice quick draws except as instructed by the Department Instructor or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded 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 Department Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Department Instructor 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.

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303.6.1 ALCOHOL AND DRUGS

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

303.6.2 STORAGE AT HOME

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

303.6.3 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

303.6.4 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 § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

303.7 FIREARMS TRAINING AND QUALIFICATIONS

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

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

303.7.1 REMEDIAL TRAINING

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.

(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.

303.8 FIREARM DISCHARGE

Except during training or recreational use, any officer 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 officer 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 officer shall file a written report with his/her Operations Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, the officer 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.

303.8.1 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

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303.8.2 INJURED ANIMALS

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

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

303.8.3 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. The safety of bystanders must be given prime consideration. Members should also refer to Policy- Animal Control.

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 Weapon, 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 or becomes impractical.

303.9 DEPARTMENT INSTRUCTOR DUTIES

The Department Instructor shall maintain a log of each weapon approved for use by the department.

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

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

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

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

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

303.10 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. Officers must have approval from the Chief of Police to fly armed.

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

(d) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(e) The officer should arrive at least two hours prior to departure to check-in with the air carrier.
The officer will advise the carrier staff that he/she is a "LEO, who is flying armed." The carrier staff will ask for, the Teletype response with the approval code and badge/identification. The officer will be asked to complete an Armed Passenger form, which includes the officer's name, agency, flight information and Teletype approval code. The officer will also acknowledge completion of the training program "Law Enforcement Officers Flying while Armed" and compliance with TSA regulations.

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(f) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

1. The captain of the airplane has the discretion as to whether the officer may or may not board the airplane. If the captain declines to allow the officer to board the airplane then the officer should contact the airline's gate agents to book another flight.

(g) 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.

(h) 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.

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

303.11 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 Pacific Grove 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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Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer. In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.1.1 DEFINITIONS

Officer Involved Shooting: an officer involved shooting is an incident in which shots are fired by an officer resulting in an injury or death to any person; or shots fired by a suspect resulting in injury or death to the officer.

On-Duty: refers to the working hours during which an officer is on salary and actively pursuing the objectives of the Pacific Grove Police Department.

Off-Duty: refers to the non-working hours during which an officer is not on salary or actively pursuing the objectives of the Pacific Grove Police Department.

304.2 POLICY

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

304.3 TYPES OF INVESTIGATIONS

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

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

304.4 JURISDICTION OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer. Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.4.1 PACIFIC GROVE OFFICER WITHIN THIS JURISDICTION

The Pacific Grove Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the Monterey County District Attorney's Office.

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The Monterey County District Attorney's Office role in OIS investigations is only to investigate and determine whether any violation of criminal law may have occurred.

304.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Pacific Grove Police Department is responsible for the criminal investigation of the suspect's actions. The primary responsibility for the criminal investigation of the officer-involved shooting will be conducted by the Monterey County District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

304.4.3 PACIFIC GROVE OFFICER IN ANOTHER AGENCY'S JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. If the jurisdictional agency declines to conduct the investigation, the Pacific Grove Police Department will contact the Monterey County Attorney's Office to conduct the investigation. A liaison from the Department will be assigned to cooperate with the agency in whose jurisdiction the officer-involved shooting occurred to assist and to monitor the investigation. The Pacific Grove Police Department will conduct timely civil and/or administrative investigations.

304.4.4 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, the Pacific Grove Police Department would control the investigation if the suspect’s crime occurred in Pacific Grove. If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

304.4.5 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy. Requests made of this department to investigate a shooting or death involving an outside agency’s officer shall be referred to the Chief of Police or the authorized designee for approval.

304.4.6 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

304.4.7 MONTEREY COUNTY DISTRICT ATTORNEY RESPONSE TO OFFICER-INVOLVED SHOOTING: PROTOCOL

The Pacific Grove Police Department and the Monterey County District Attorney's Office recognize the importance of the independent review of officer-involved shootings. These two agencies have entered into a formal agreement (Involved Shooting Response Program - For Officer/Deputy Involved Shootings and In-Custody Deaths) establishing a protocol for the immediate response

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of Monterey County District Attorney personnel to the scene of officer-involved shootings. The District Attorney's role in such investigations is only to investigate and determine whether any violation of criminal law may have occurred. This agreement with the Monterey County District Attorney's Office does not negate the policy of the Pacific Grove Police Department to request the assistance of another agency to conduct independent investigations of officer involved shootings and serve as the lead investigative agency.

304.4.8 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	**Criminal Investigation of Officer(s)**	**Civil Investigation**	**Administrative Investigation**
PGPD Officer in our Jurisdiction	PGPD Investigators	PGPD Investigations or MCDA	PGPD Civil Liability Team	PGPD Operations Commander
Allied Agency's Officer in our Jurisdiction	MCDA Investigators	MCDI and MCDA's Office	Involved Officer's Department	Involved Officer's Department
PGPD Officer in another Jurisdiction	MCDA where incident occurred	Decision made by agency where incident occurred	PGPD Civil Liability Team	PGPD Professional Standards Unit

304.5 INVESTIGATION PROCESS

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

304.5.1 INITIAL ON SCENE OFFICER RESPONSIBILITIES

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

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Check for injured persons and evacuate as needed.

(c) Take reasonable steps to obtain emergency medical attention for injured individuals.

(d) Request additional resources from the Department or other agencies.

(e) Coordinate a perimeter or pursuit of suspects.

(f) Brief the supervisor upon arrival.

304.5.2 SHIFT SUPERVISOR RESPONSIBILITIES

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

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

Upon arrival at the scene, the Shift Supervisor shall ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

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

2. Absent a voluntary statement from any officer(s), the initial on-scene supervisor should not attempt to order any involved officer from this department to provide any information other than public safety information.

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

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

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

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

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

304.5.3 NOTIFICATIONS

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

- Operations Commander
- Chief of Police
- Monterey County District Attorney's Office
- Outside agency investigator (if appropriate)
- Supervisor
- Emergency Medical Services

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- Fire Service
- Street/ Highway department personnel (if appropriate)
- Public Utilities personnel (if appropriate)
- Involved officer's agency representative (if requested)
- Employee Assistance Program (if requested)
- Public Information Officer

304.5.4 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the station, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for legal or department representation will be accommodated (Government Code § 3303(i)).

1. Involved PGPD 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-PGPD 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

(d) A licensed psychotherapist shall be provided by the Department to each involved PGPD officer. A licensed psychotherapist may also be provided to any other affected PGPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
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) Although the Department will honor the sensitivity of communications with peer support counselors, there is no legal privilege to such communications. Peer support counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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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.

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

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

304.5.5 ADMINISTRATIVE LEAVE

Each involved officer shall be given paid administrative leave following an officer-involved shooting and it shall be the responsibility of the Operations Commander to make schedule adjustments to accommodate such leave. The Chief of Police will determine the appropriateness and duration of extended mandatory administrative leave, based upon the findings of the preliminary criminal investigation and the recommendation of the psychotherapist regarding the officer's readiness for field assignment.

An employee may request additional administrative leave time subject to approval of the Chief of Police, based upon information provided to establish the need to grant the request. The officer(s), upon being placed on administrative leave, will automatically be temporarily assigned to the Operation Commander for the duration of administrative leave. During this time, the officer(s) shall maintain regular contact with the Operations Commander. Regular contact will consist of once per week, unless other arrangements are approved or requested by the Operations Commander. While the employee is off, their payroll hours will revert to Monday thru Friday, 8:00 am to 4:00 pm. Each employee will also be expected to remain available to the Department by phone during those hours. If an employee has been on administrative leave for six months or longer, that employee must report to the Operations Commander to ensure all policy and/or training mandates and weapons qualifications have been met prior to returning to full duty.

304.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

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

(a) PGPD supervisors and Supervisor personnel should not participate directly in any voluntary interview of PGPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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(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.

304.6.1 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Operations Commander to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office. All related department reports, including administrative and/or privileged reports, will be forwarded to the Operations Commander for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Operations Commander.

304.6.2 REPORTS BY INVOLVED PGPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved PGPD 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 PGPD 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 PGPD 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.

304.6.3 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

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reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident

304.7 ADMINISTRATIVE INVESTIGATION

(Government Code § 3303(g)).(Government Code § 3303(g)).In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of PGPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Operations Commander 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 1020).

(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.

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

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
4. The officer shall be informed of the nature of the investigation and advised of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given on administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger or Garrity* rights).
5. The Supervisor shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports. Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor. Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

304.9 DEBRIEFING

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

304.9.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing

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should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.9.2 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Operations Commander 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., other professional staff personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory personnel.

304.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. In most cases related to an officer involved shooting, the media releases will be generated by the Monterey District Attorney's Office. All releases will be available to the Shift Supervisors,Operations Commander and Chief of Police in the event of inquiries from the media.

The Department shall not subject any involved PGPD officer to visits by the media (Government Code § 3303(e)). No involved PGPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or Operations Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and/or the Operations Commander.

304.11 REPORTING

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

304.12 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation. All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

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Handcuffing and Restraints

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

The Pacific Grove 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.

305.3 USE OF RESTRAINTS

Only members who have successfully completed Pacific Grove 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.

305.3.1 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.

305.3.2 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).

305.3.3 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.

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

305.4 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.

305.5 APPLICATION OF SPIT HOODS

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

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

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

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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.

305.6 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.

305.7 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).

305.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

The WRAP Restraint, manufactured by Safe Restraints, Inc., Park City, Utah, is the only restraint to be used to bind and immobilize a person's legs. Only those officers trained in the use of The WRAP are authorized to employ it on any person.

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

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(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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

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

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

305.8 MEDICAL CONSIDERATIONS

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 shall be continuously monitored until he/she can be medically assessed.

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

The on-scene supervisor, or if 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

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medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

305.9 REQUIRED DOCUMENTATION

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

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

(h) Threat or danger of escape or suicide potential.

305.10 TRAINING

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

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

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

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

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

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Juvenile Operations/Temporary Custody of Juveniles

306.1 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 Pacific Grove Police Department (34 USC § 11133). Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

306.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or undocumented immigrant juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR 1150).

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). A juvenile should not be held in a locked room at the Pacific Grove Police Department at any time.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

306.2 POLICY

The Pacific Grove 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 Pacific Grove Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release. A member of this department shall, as a result of personal observation or when a matter is brought to the officer's attention, make an investigation and take appropriate action regarding public offenses committed by juveniles or conditions dangerous to the minor's physical or moral well-being. When dealing with juvenile offenders all personnel will use the least coercive among reasonable legal alternatives.

As an agency we establish the juvenile operations function and its commitment to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The juvenile operations function should not only focus on those juveniles who commit offenses or whose behavior requires a police response, but through other community policing programs should provide a means for interaction with juveniles in the community who would not otherwise have contact with members of the department. All personnel have the responsibility of participating in and/or supporting the juvenile operations function. In particular, patrol officers, SRO, and members of the detective bureau will be familiar with handling juvenile problems of both a criminal and non-criminal nature and will handle such problems when brought to their attention as required.

306.3 JUVENILES WHO SHOULD NOT BE HELD

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

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(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Pacific Grove 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).

306.3.1 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).

306.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody detentions (15 CCR 1142).

306.3.3 INTOXICATED AND SUBSTANCE ABUSING MINORS

A Minor who is taken into temporary custody by an officer on the basis of being a person described in Welfare & Institutions Code § 602 and who displays outward signs of intoxication to the level that he or she is unable to care for him/herself, or is known or suspected to have ingested any substance that could result in a medical emergency, the officer shall summon paramedics to the scene to conduct a medical screening of the individual. If practical, the juvenile should be released to a parent, legal guardian or responsible adult. Only after paramedics have medically cleared the minor may the minor be transported to the Juvenile Hall.

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications

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of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Pacific Grove Police Department or Juvenile Hall when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency (Title 15, California Code of Regulations § 1431). In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity
- Minor is known or suspected to have ingested any substance that could result in a medical emergency
- A juvenile who is intoxicated to the level of being unable to care for him or herself
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

(a) A juvenile detained and brought to the Pacific Grove Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:

1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.

(b) Any juvenile in custody detained at the PGPD require the officer to maintain constant visual supervision of the juvenile.

(c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.

(d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

Once the juvenile no longer displays symptoms of intoxication, the requirements in Subsection (a) above will no longer be required. The juvenile will still be monitored on a 15-minute basis as outlined in this policy.

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306.3.4 CURFEW VIOLATIONS
Juveniles detained for curfew violations will be charged with Pacific Grove Municipal Code § 11.08.010(b) - Curfew for Juveniles. Juveniles may be released in the field or brought to the station, but should only be released to their parent, legal guardian, or responsible adult.

306.4 CUSTODY OF JUVENILES

Officersshould take custody of a juvenile and temporarily hold the juvenile at the Pacific Grove 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 PGPD without authorization of the arresting 's supervisor or the Watch Commander. Juveniles taken into custody shall be:

- Transported to Monterey County Juvenile Hall with approval of Juvenile probation staff at 831-755-3958.
- Issue citation when released to parent/ guardian with promise to appear.

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

306.4.1 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 Pacific Grove 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.

306.4.2 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).

(a) A Welfare and Institutions Code § 601 offender may be placed in the lobby interview room which can be used as a non-secured juvenile holding area. They can then be temporarily detained in the lobby interview room until arrangements can be made for the release or approved placement.

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(b) If it appears evident that it would be inadvisable for a Welfare and Institutions Code § 601 offender to be released to his/her home environment, or the juvenile objects to the parental release, then Juvenile Hall (1420 Natividad Road, Salinas) shall be contacted as soon as practical before the six (6) hour detention limit expires to assist in placement of the juvenile.

1. After consulting Juvenile Hall, the arresting officer(s) shall complete the appropriate arrest and/or juvenile contact reports.

(c) If it is determined that the juvenile is to be taken to Juvenile Hall, the arresting officer(s) shall be responsible for initiating the "Application for Juvenile Detention" form prior to transportation to the appropriate juvenile detention facility.

306.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

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

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Department.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

(e) If a guardian refuses to accept custody of an arrested juvenile and his/her appearance at a court hearing cannot be guaranteed, he/she may be detained under the authority described above and Juvenile Hall shall be contacted as soon as practical before expiration of the 6 hour detention limit (207.1(b).

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

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

306.4.4 JUVENILES HABITUALLY DISOBEDIENT OR TRUANT
An incorrigible juvenile is one who habitually refuses to obey the reasonable and proper orders or directions of parent(s) or a guardian.

Only emergency cases of incorrigibility that present a substantial physical hazard to the persons involved and are serious enough to require detention are normally processed by this department. In this case, a report should be taken documenting the incorrigible act(s).

Parents or guardians who report incorrigible cases involving juveniles on active probation or parole should be instructed to contact the concerned probation or parole officer. Non-emergency cases should be referred to the School Resource Officer for handling.

Welfare and Institutions Code § 601 truant offenders shall routinely be returned to their respective school or residence.

306.5 ADVISEMENTS

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

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

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

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

306.6 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor any juvenile at the PGPD shall ensure the following:

(a) The should be notified if it is anticipated that a juvenile may need to remain at the more than 6 hours. This will enable the to ensure no juvenile is held at the more than six hours.

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(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) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. This does not apply to surreptitious and legally obtained recorded interrogations.

(d) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(e) 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).

(f) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(g) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(h) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).

(i) 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).

(j) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(k) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(l) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(m) 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).

306.7 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 Pacific Grove 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).

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306.8 PERSONAL PROPERTY

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

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Pacific Grove Police Department.

306.9 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 Pacific Grove Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Commander.

(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.

306.10 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 15 years of age or younger to consult with legal counsel in person, by telephone or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

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306.10.1 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).

306.11 FORMAL BOOKING

No juvenile offender shall be formally booked at the Pacific Grove Police Department.

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, will be booked, fingerprinted and photographed at Juvenile Hall.

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

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(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

306.11.1 ISSUING A JUVENILE COURT CITATION

The arresting officer should make the assessment if a citation is applicable based upon the circumstances of the arrest.

306.11.2 NOTICE TO APPEAR

Juveniles detained for criminal acts shall be issued a Notice to Appear at the time of their release. The purpose of the Notice to Appear is to:

- Probation will notify the juvenile via mail. Officer's will establish a court date for traffic violations.
- Prove the juvenile knew when to appear, and
- Meet all the criteria listed in Welfare and Institutions Code § 660.5 (e) for issuing a warrant if the juvenile fails to appear.

Issuing a Notice to Appear:

(a) When a juvenile is not taken to a Probation Department facility the arresting officer shall issue a Notice to Appear to all juveniles released to their parent or legal guardian. The arresting officer or his/her designee shall also ensure that the juvenile's parent or legal guardian is issued a separate Notice to Appear in accordance with Welfare and Institutions Code § 660.5 (e).

1. The juvenile's parent or legal guardian will be issued a separate Notice to Appear listing the same court information contained on the juvenile(s) Notice to Appear. The parent or legal guardian's Notice to Appear shall include:

   (a) Welfare and Institutions Code § 660.5 (e),

   (b) The juvenile's name and the juvenile's Notice to Appear number.

2. As required by law, a parent or legal guardian is to be cited so the judge can issue a warrant for the parent or legal guardian, who fails to appear with the juvenile. If the parent or legal guardian refuses to sign the Notice to Appear, write "Refused to sign" on the signature line of the parent's Notice to Appear and release the juvenile.

3. When there are co-juveniles, ensure they are cited on the same court date. The appearance date will be 90 calendar days after the date on which the Notice to Appear was issued. If that is not a court day, use the next court day.

4. When a juvenile is released to a responsible adult, reasonable efforts must be made by the officer to issue a Notice to Appear to the parent or legal guardian. If reasonable efforts have failed, a statement outlining the efforts shall be included in the crime report by the officer who attempted service. The officer shall write in the charging section of the Notice to Appear of the juvenile's citation "REASONABLE EFFORT".

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5. A photocopy of the parent or legal guardian's Driver's License and all copies of the Notice to Appear shall be attached to the crime report.

306.11.3 RELEASING AN ARRESTED OR DETAINED JUVENILE

The officer releasing the juvenile shall verify the identification and relationship of the parent, guardian or other person prior to the juvenile's release. That person's name, address and telephone number shall be recorded in the report and on the parent notification form.

306.11.4 PROBATION DEPARTMENT JUVENILE HALL

In order to facilitate control over the detention of juveniles, the juvenile court has established the Probation program to screen all requests for detention from law enforcement agencies. Before a juvenile can be detained at Juvenile Hall, approval for the detention must be obtained from Probation.

(a) The following juveniles may be detained at Juvenile Hall:

1. All females under 18 years of age
2. All males under 18 years of age, and
3. All escapees and juveniles named on Juvenile Court warrants or California Youth Authority warrants

(b) Admission to Juvenile Hall may be accomplished by any of the following methods:

1. Detaining Order - An order from a court or agency of competent authority calling for the detention of the subject at Juvenile Hall and upon approval of Probation.
2. Application For Juvenile Detention - Upon receipt of telephonic approval for the detention from the Probation officer, the "Application For Juvenile Detention" should be completed and delivered with the juvenile to the Probation Officer at Juvenile Hall, or
3. Juvenile Petition - A juvenile petition request must then be completed and delivered to the Monterey County Probation Department within the legal time limit.

306.12 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 Pacific Grove Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor to ensure that personnel act within legal guidelines.

306.13 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Patrol Operations Commander shall coordinate the procedures related to the custody of juveniles held at the Pacific Grove Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

306.15 TRAINING

All Pacific Grove Police Department who detain or process juveniles shall complete initial training in the detention of juveniles and restraining at least once every four years. Review of the Peace Office Standards and Training (POST) video "Temporary Detention of Juveniles in Law Enforcement Facilities" and receipt of the associated training supplement, as provided by the Board of State and Community Corrections, shall deem compliance.

Documentation of training completion shall be maintained in the department's training records.

306.16 JUVENILE BOOKED AS AN ADULT - NO COMPLAINT ISSUED

When it is learned that a person under the age of 18 years has been booked as an adult and no adult complaint has been issued, the Monterey County Sheriff's Office will notify the Watch Commander. The Watch Commander shall make arrangements for the juvenile to be transported from the County Jail.

The assigned officer shall:

(a) Ascertain the true age of the subject.

(b) Release the adult charge.

(c) Obtain a new booking number and re-book the subject as a juvenile, using the original date and time of arrest.

(d) If detention is to be continued, confine the juvenile to Juvenile Hall, and

(e) If the juvenile is to be detained, the assigned officer shall complete a juvenile petition request within the time limit which is based on the date and time of the original arrest. Exception: Please refer to Welfare and Institution Code § 631.1, when the juvenile has willfully misrepresented themselves as being 18 years of age or more.

306.16.1 JUVENILE BOOKED AS AN ADULT - COMPLAINT ISSUED

When it is determined that a person has been arraigned or held to answer at a preliminary examination as an adult is in fact a juvenile, the officer who originally was assigned to the case shall be notified and adhere to the following procedures:

(a) Notify the District Attorney's Office, and

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(b) Notify the concerned court and make arrangements for the parents to present proof of the subject's true age.

(c) If the juvenile is remanded to Juvenile Court, the presiding judge will order the Sheriff's Office to transport the juvenile to Juvenile Hall.

(d) The Probation Department will prepare the petition and present the case to the Juvenile Court.

306.16.2 JUVENILE BOOKED AS AN ADULT - RELEASED ON BAIL

When it is learned that a person under the age of 18 years has been booked as an adult and has bailed out, the assigned officer shall:

(a) Notify the District Attorney's office.

(b) Notify the Records Supervisor of the situation, and

(c) Advise the juvenile's parents or legal guardian to appear in court on the date the juvenile was ordered to appear with proof of the juvenile's true age.

306.17 RELIGIOUS ACCOMMODATION

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

306.17 ARRESTING EMANCIPATED MINORS

Only a court of law has the power and authority to determine if a minor is to be processed as an adult (Welfare and Institution Code § 707). When an emancipated minor commits a criminal act, the minor comes under the provisions of Welfare and Institution Code § 602.

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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

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

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

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

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.

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

307.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

Tire deflation device (spike or tack strips) is the only authorized technique used by this department.

307.1.2 ACCOUNTABILITY

Officers involved in vehicular pursuits will be held administratively accountable for the initiation or continuation of a pursuit when the information which the officer knew or reasonably should have known at the time indicated that the pursuit should not have been initiated or should have been discontinued. No officer or supervisor will be criticized or subject to any discipline for a decision to not initiate a pursuit or for terminating a pursuit based upon the risk involved. Vehicle Code § 21055 specifies that in emergency situations the driver of an authorized emergency vehicle is exempt from the "Rules of the Road," as specified in Division 11 of the Vehicle Code, provided that the lights and siren of the vehicle are activated. However, Vehicle Code § 21056 specifies that this exemption "does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect him from the consequences of an arbitrary exercise of the privileges granted in Vehicle Code § 21055.

307.2 OFFICER RESPONSIBILITIES

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

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307.2.1 AUTHORIZATION OF PURSUIT

1. A police officer may only pursue

- When the officer reasonably believes that the violator has committed an offense enumerated below:

(a) Murder (187 P.C.)

(b) Attempted Murder (664/187 P.C.)

(c) Felony Assaults

(d) Kidnapping (207 P.C.)

(e) Felony Burglary (459 P.C.)

(f) Armed Robbery or Robbery with GBI (Great Bodily Injury) (211 P.C)

(g) Hit and Run with GBI (Great Bodily Injury) or death (20001 C.V.C)

(h) Stolen Vehicle (10851 C.V.C)

(i) Felony Sexual Assault

(j) Arson (451 P.C.)

(k) Armed Carjacking or Carjacking with GBI (215 P.C.)

(l) Escape from custody

(m) Any person who willfully threatens another person with a crime that can result in immediate death or GBI (422 P.C.)

(n) Any felony warrants mentioning any of the above crimes

- When a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers.

2. Pursuit for motor vehicle offenses is not authorized under the above criteria unless the violators vehicle is being operated so as to pose an immediate threat to the safety of another person.

307.2.2 WHEN TO INITIATE A PURSUIT

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

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

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

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(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

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

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

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

(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.

(i) Suspect and officer vehicle speeds.

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

(k) Availability of other resources such as air support or vehicle locator or deactivation technology.

307.2.3 WHEN TO TERMINATE A PURSUIT

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

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

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

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) The pursued vehicle’s location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle’s emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

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(f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

(i) When terminated by a supervisor.

(j) Any sworn member may terminate a pursuit.

307.2.4 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

307.3 PURSUIT UNITS

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

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

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

307.3.1 MOTORCYCLE OFFICERS

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

307.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

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307.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

(a) The location, direction of travel, and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including license plate number, if known.

(c) The reason for the pursuit.

(d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.

(e) The suspected number of occupants and identity or description.

(f) The weather, road, and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

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

307.3.4 SECONDARY UNIT RESPONSIBILITIES

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

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit as soon as reasonably practicable.

(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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307.3.5 PURSUIT DRIVING

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Request other units to observe exits available to the suspects.

(d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

307.3.6 PURSUIT TRAILING

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

307.3.7 AIR SUPPORT ASSISTANCE

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

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road

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hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

307.3.8 PURSUITS INVOLVING A HOSTAGE

In any vehicular pursuit where there is suspected to be a hostage in the suspect vehicle, the safety and successful release of the hostage shall be the primary consideration in determining the tactics to be used by the officers in the course of the pursuit. When an officer becomes aware that a hostage may be in a pursued vehicle, the dispatcher shall be advised immediately. All available information shall be reported to dispatch, including a description of the hostage(s), manner of dress, and the location of the hostage(s) within the suspect vehicle.

307.3.9 UNITS NOT INVOLVED IN THE PURSUIT

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

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

307.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

(a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.

(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.

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

(k) Preparing a post-pursuit review and documentation of the pursuit.

1. Supervisors should initiate follow up or additional review when appropriate.

307.5 THE COMMUNICATIONS CENTER

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

307.5.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

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

(b) Coordinating pursuit communications of the involved units and personnel.

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

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

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

(f) Notify the Watch Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

307.5.2 LOSS OF PURSUED VEHICLE

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

307.6 INTER-JURISDICTIONAL CONSIDERATIONS

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

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Pacific Grove Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed,

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

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of Pacific Grove 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.

307.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

This department does not authorize the use of roadblocks, boxing-in, ramming or PIT maneuvers.

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307.7.1 DEFINITIONS

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

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

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

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

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

Spikes or tack strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

Road spike (spike or tack strips) is the only authorized technique used by this department.

307.7.2 USE OF FIREARMS

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

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

307.7.3 INTERVENTION STANDARDS

Tire deflation devices should only be used after considering the following:

(a) Tire deflation devices should only be used by officers who have received training in their use.

(b) Supervisory approval should be obtained before using tire deflation devices.

(c) 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.

(d) It reasonably appears the use will terminate or prevent the pursuit.

(e) 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,

This department does not authorize the use of roadblocks, boxing-in, ramming or PIT maneuvers.

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307.7.4 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.

307.7.5 CONCLUSION OF THE PURSUIT

(a) Officer Responsibilities: The officer in the primary pursuit vehicle is responsible for maintaining control and directing activities at the point at which a vehicular pursuit concludes, specifically as it relates to the apprehension of the suspect and the use of force, unless relieved by a supervisor. Unless otherwise requested to the scene, officers in all other units shall remain clear of the point at which the pursuit concluded. Plainclothes personnel at the scene shall ensure that they are readily identifiable as law enforcement personnel by displaying proper identification on their outer garment.

(b) Supervisor Responsibilities: When a pursuit concludes, a Supervisor shall proceed to the point the pursuit concluded in order to provide the necessary supervision and to evaluate the pursuit. The supervisor at the scene is responsible for controlling law enforcement activity at the scene and for ensuring adherence to Department policies. This responsibility shall continue until the suspect is booked or released, or it is determined that the search for the suspect(s) should be abandoned and all reports are completed pursuant to Vehicle Code § 14602.1. The Supervisor shall ensure that the proper reports are completed and reviewed by the officers involved and forward the reports to the Operations Commander.

It shall also be the responsibility of the Commander to schedule a "pursuit debriefing." The purpose of the debriefing will be to review the progress of the pursuit, assess the areas of improvement and ensure that the proper reports are completed.

307.7.6 TRAFFIC COLLISION DURING A PURSUIT

If a pursuing unit becomes involved in a traffic collision, the accident should be investigated by the law enforcement agency having jurisdiction where the collision occurred. If the collision occurs within the City limits, and injuries are sustained, the accident should be investigated by the California Highway Patrol.

307.7.7 VEHICLE INSPECTIONS

Any vehicle involved in a high speed pursuit shall be inspected by a supervisor as soon as practical after the conclusion of the incident. The vehicle will also be inspected by one of the Department's repair service mechanics at the earliest opportunity. Vehicles, known or suspected to have been damaged, will not be returned to service until properly inspected and repaired.

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307.9 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

(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. CALEA 41.2.2 k.

(c) After first obtaining the available information, the Watch Commander shall promptly complete a Supervisor's Log, briefly summarizing the pursuit, and submit it to the Commander. This log should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

The Commander will complete an Administrative Review of all Pursuits involving a member of this department to determine if any deficiencies, violations of department policy or improper tactics are noted. The Chief of Police can authorize a formal investigation as deemed necessary.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

(a) This policy.

(b) The importance of vehicle safety and protecting the public.

(c) The need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

307.9.2 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The

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POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

307.9 ANNUAL PURSUIT ANALYSIS

The Operations Commander will conduct an Annual Pursuit Analysis by January 31 of each calendar year. The analysis will be conducted to determine if pursuits complied with department policies, if proper tactics were utilized, if training needs and/or policy modifications are needed, and any city liability concerns. The Commander will then complete a memorandum to the Chief of Police summarizing the results of the Pursuit Analysis.

307.10 POLICY

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

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Officer Response to Calls

308.1 PURPOSE AND SCOPE

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

308.1.1 DEFINITIONS

Code-1 - A non-emergency response. Officers shall proceed to the assigned location immediately, obeying all traffic rules and regulations. Under no circumstances will officers use any combination of emergency lights/equipment to gain right of way when assigned a "Code-1" response. The response to calls for service without a threat to life or property shall be designated as a Code-1 response.

Code-3 - Designates an emergency response. Police units shall be driven with emergency lights and siren in operation, exercising due care for persons and vehicles. The response to incidents of an emergency nature, particularly where human life may be in jeopardy, may be designated as a "Code-3" response. A Code-3 response often necessitates the violation of the right of way of non-emergency vehicles. Only a unit specifically authorized to respond Code-3 shall operate as an authorized emergency vehicle.

Unmarked Vehicles - Unmarked units are primarily used for investigations and supervisory purposes. The use of these units as emergency vehicles should be limited to circumstances where no other alternative is available.

Authorized Emergency Vehicle - Any publicly owned vehicle by an agency employing peace officers for use by those officers in the performance of their duties (Vehicle Code § 165). The Vehicle Code exempts an employee from liability for injury or death of any person or damage to property while operating an authorized emergency vehicle in response to an emergency call or when in immediate pursuit of a suspected or actual violator.

The Vehicle Code requires that authorized emergency vehicles be operated with due caution for other persons and property on the highway and in accordance with the provisions of the various sections of the Vehicle Code.

308.2 RESPONSE TO CALLS

Officers responding to an emergency call shall utilize emergency equipment continuously operating 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. The decision to continue a Code-3 response is at the discretion of the officer.

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code. The Watch Commander should be continually monitoring the radio and have the discretion to cancel any Code-3 assignment.

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

308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify the Communications Center to cancel any follow-up units still responding Code-3.

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

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

308.3.1 NUMBER OF UNITS ASSIGNED

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

308.4 INITIATING CODE 3 RESPONSE

(a) If an officer believes a Code-3 response to any assigned call is appropriate, the officer shall notify County Communications as soon as practical.

(b) Should any officer not assigned to the call believe a Code-3 response is appropriate; the officer shall immediately notify County Communications.

(c) The Watch Commander or any supervisor may request additional officers to respond Code-3 when the incident dictates the need for additional units.

(d) Generally, only two units should respond Code-3 to any situation.

(e) The officer should base the discretionary Code-3 response on the following criteria:

1. Type of call
2. Safety of the public and responding officers
3. Vehicle and pedestrian traffic in the area
4. Weather conditions
5. Road conditions
6. The location of other responding officers

(f) The supervisor should be continually monitoring the radio and have the discretion to cancel any Code-3 responses.

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308.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

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

308.5.1 ENTERING AND CLEARING INTERSECTIONS

To minimize risk to officers and the public when engaging in Code-3 (including pursuits) officers shall operate their emergency vehicle at a safe speed at all times and reduce their speed at all controlled intersections. Officers shall proceed with caution through intersections "lane-by-lane" while monitoring vehicular, pedestrian and bicycle traffic, and other potential traffic hazards.

The use of these operations is specific to officers assigned to an emergency call, and does not excuse officers from operating with due regard for the safety of all persons and property while operating an emergency vehicle in Code-3.

308.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander prior to assigning units Code-3. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the Watch Commander.

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance).

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

308.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated

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(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 Shift 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 should consider the following:

- Seriousness of the known or suspected crime or incident, and its relationship to community and/or officer safety.
- Safety of the public in the path of the responding Code-3 vehicle(s), including the type of area, time of day, weather, and the amount of vehicle and pedestrian traffic.
- Traffic and roadway conditions.
- The location of the responding units.
- Performance of the vehicle(s) responding Code-3, the driving ability of the involved officer(s), are there passengers in the involved police unit(s), quality of communications between responding units and the availability of other resources to more quickly respond to the scene.
- This list is not exhaustive and it is recognized that there are situations where a Code-3 response is authorized but not listed in this policy.

308.8 FAILURE OF EMERGENCY EQUIPMENT

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

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Domestic Violence

309.1 PURPOSE AND SCOPE

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

309.1.1 DEFINITIONS

The Pacific Grove Police Department's "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Commission on Peace Officer Standards and Training. Definitions related to this policy include:

Abuse - means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

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.

Domestic Violence - is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Cohabitant - means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (a) Sexual relations between the parties while sharing the same living quarters (b) Sharing of income or expenses (c) Joint use or ownership of property (d) Whether the parties hold themselves out as husband and wife (e) The continuity of the relationship (f) The length of the relationship The above definition of cohabitant is used for the application of enforcing Penal Code § 273.5. Family Code § 6209 expands the definition of cohabitant to include a person who regularly resides in the household for the application of enforcing Penal Code § 836(d).

Officer - means any law enforcement officer employed by a local police department, consistent with Penal Code § 830.1.

Dominant Aggressor - is person determined to be the most significant, rather than the first aggressor. In identifying the dominant aggressor, an officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved and whether either person acted in self-defense.

Victim - means a person who is a victim of domestic violence.

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309.2 POLICY

The Pacific Grove 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.

309.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

309.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(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 Patrol 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).

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(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

309.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

309.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

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309.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the person with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

309.5.1 VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE is 1 (877) 411-5588 or www.VINELink.com.

309.5.2 WRITTEN NOTICE TO VICTIMS

Penal Code § 13701 requires that victims of domestic violence be furnished written notice, which includes the following information:

(a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.

(b) A statement that provides information about a shelter they may contact in the area.

(c) A statement that provides information about other community services they may contact in the area.

(d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint.

(e) A statement that "For further information about the California Victim's Compensation Program, you may contact 1 (800) 777-9229."

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(f) A statement informing the victim of the right to go to Monterey County Superior Court (1200 Aguajito Rd., Monterey) and file a petition requesting any of the following orders for relief:

1. An order restraining the attacker from abusing the victim and other family members
2. An order directing the attacker to leave the household
3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim
4. An order awarding the victim or the other parent custody of or visitation with a minor child or children
5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim
6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
7. An order directing the defendant to make specified debt payments coming due while the order is in effect
8. An order directing that either or both parties participate in counseling

(g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

(h) In the case of an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, a Domestic Violence Information Pamphlet, which shall include, but is not limited to, the following information:

1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers
2. A simple statement on the proper procedures for a victim to follow after a sexual assault
3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime
4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime

(i) The Domestic Violence pamphlet should also provide information relating to the rights and duties of tenants and landlords regarding lock changes, evictions and related matters that may assist victims with housing and safety concerns (Code of Civil Procedure § 1161.3 and Civil Code §§ 1941.5 and 1941.6).

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309.5.3 MANDATED DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code § 1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code § 679.05).

The investigating officer must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource card would qualify.

(a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.

(b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.

(c) The investigating officer should articulate in the report that the victim was advised of their right to a counselor and/or support person.

309.5.4 TENANCY ISSUES

(a) Officers may request a person who is not in lawful possession of the premises to leave when:

1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.)

2. The complainant has requested that the person leave the premises

(b) The officer will stand by until the suspect removes essential belongings.

(c) If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5.

(d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy.

(e) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order.

309.6 DISPATCH ASSISTANCE

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

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

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309.7 FOREIGN COURT ORDERS

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

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

309.8 PROTECTIVE ORDER VIOLATIONS

Absent exigent circumstances (or a belief that the protective order is invalid), if probable cause exists to believe an offender has violated a protective order as defined in Penal Code § 13701(b), an arrest shall be made. These court orders involve the following:

(a) Prohibit threats, harassment or violence

(b) Excludes a party from a dwelling

(c) Prohibit other behaviors specified by the court. These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together.

The court orders under Penal Code § 13701(b) may be captioned as follows:

- Domestic Violence Protective Order
- Criminal Court Protective Order
- Emergency Protective Order (EPO)
- Order to Show Cause and Temporary Restraining Order (TRO)
- Order After Hearing
- Restraining Order - Juvenile
- Judgment of Dissolution and Order

309.8.1 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.

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1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.

1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

309.8.2 PROOF OF SERVICE NOT VERIFIED

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

(a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody (Code of Civil Procedure § 527.8(i)(2)).

(b) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.

(c) Obtain the suspect's address.

(d) Enforce the order, but do not make an arrest for any violation of the order occurring prior to verifying proof of service or before an officer's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made (Code of Civil Procedure § 527.8(i)(4)).

If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement (Penal Code § 13730(c)). The Department copy of the restraining order shall be updated to reflect the information listed above.

309.8.3 WHEN COURT ORDERS ARE NOT VERIFIABLE

If the victim is not in possession of the restraining order and/or for any reason the officer cannot verify the validity of the order the following action shall be taken:

(a) Write a report and give the police report number to the victim.

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(b) Inform the victim of how they can contact the officer for questions or for further action (Penal Code § 13730(c)).

(c) Inform the victim of the right to make a private person's arrest for the appropriate violation.

In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a written report shall be completed and the victim shall be informed of the case number and the follow-up criminal procedure (Penal Code §§ 13730(c) and 13701(c))

309.8.4 EMERGENCY PROTECTIVE ORDERS

(a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:

1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.

2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.

3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.

4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

(b) Under Penal Code § 646.91, a peace officer may request for an issuance of an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).

2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.

3. Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

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(c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:

1. Physically or verbally contacting the victim or disturbing his/her peace
2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence
3. Continuing a specified behavior as described in the order

(d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.

(e) Officers should consider requesting an EPO if any of the following conditions exist:

1. The victim requests an EPO
2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim
3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists

309.8.5 OBTAINING AN EMERGENCY PROTECTIVE ORDER

(a) Once the handling officer at the scene determines that an EPO is warranted, the officer shall notify a supervisor of the circumstances. If the Supervisor concurs with the handling officer, he shall initiate the application for the EPO and contact the on-call Superior Court representative to obtain the order. Any doubt regarding the justification for the order shall be resolved by contacting the court representative. The on-call court representative may be a judge, commissioner, or court appointed referee.

(b) EPO's may be obtained twenty-four (24) hours a day, seven days a week, whether the court is in session or not. The County Dispatch (831)647-7900 will connect the officer or supervisor to the on-duty court representative.

(c) The EPO is self-explanatory. The officer completing the EPO shall indicate the address for the local Superior Court on the top of the order. The court representative will assign the officer a "T" number. The "T" number shall be placed in the "Law Enforcement Case Number" box located in the upper right hand corner of the EPO. Do not put the DR Number in this box. The CR Number can be placed atop the Law Enforcement Case Number.

(d) EPO's must be served to be valid and an officer must serve them upon request. Violation of an EPO is an arrestable offense under Penal Code §§ 273.6 and 836(C)(1), even when not committed in the officer's presence.

(e) After completing the form, the officer shall serve the order on the restrained party and advise him/her of the conditions of the order. If the restrained party is not present, the law requires that the officer "attempt to serve the order if the restrained party can reasonably be located, or there is a reasonable apprehension of imminent danger." If

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the officer cannot serve the restrained party, he should either leave the EPO with the protected party or give it to a supervisor so it can be assigned to the next shift. The EPO may be left with the protected party so that the suspect may be served by any responding officer should the suspect return to the location.

(f) All incidents in which an officer requests or serves an EPO must be documented in a crime report and shall include:

1. The justification for the EPO
2. Whether the restrained party was or was not served
3. The name of the court representative who granted or denied the order
4. The name of the officer who actually served the EPO
5. Whether the victim refused the EPO
6. The location where the restrained party was served
7. The circumstances under which he was served
8. Any statements made by the restrained party when serve

309.8.6 "STAY AWAY" COURT ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

Stay Away Orders are verified by asking the victim to show a copy of the original order. Victims are requested to carry the order with them at all times. An officer must verify that the suspect is under the court's jurisdiction, or verify that a Stay Away Order has been issued against the suspect.

The Code of Civil Procedure §§ 540 et seq. and 527.6 requires that all law enforcement officers shall enforce the terms of a verified order. The crime report shall note the specific violations of the order, and the victim is to be given the police report number for follow-up pursuant to Penal Code § 13701(I).

A violation of the order is a violation of Penal Code § 166.4. This charge is in addition to any other applicable charge, such as assault or battery.

309.8.7 MILITARY SUSPECTS

The intent of this policy is to eliminate all informal referrals, diversions, or report taking omissions in the handling of domestic violence incidents involving military personnel.

If an incident occurs outside of a military facility and within the city boundaries of the City of Pacific Grove, no informal agreements with military police or a suspect's commanding officer shall take precedence over a suspect's arrest and prosecution.

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309.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

309.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
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.

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(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).

309.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

309.9.3 PUBLIC ACCESS TO POLICY

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

309.9.4 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

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(c) Officers who seize any firearm 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)(2)).

309.9.5 RECORD-KEEPING AND DATA COLLECTION

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

309.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

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

309.10 <STRONG>FIREARMS</STRONG>

Officers shall take into temporary custody any firearm or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in a domestic violence incident and process it for safekeeping as authorized in Penal Code § 18250.

In no event shall such a firearm or weapon be returned within less than 48 hours. If necessary, officers may also obtain a search warrant for firearms or other deadly weapons that are subject to seizure under Penal Code § 18265 (Penal Code § 1524(a)(9)).

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a property receipt fully describing the weapon (including any serial number), and indicate the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 18255).

No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code § 646.91 may own, possess, purchase or receive, or attempt to purchase or receive a firearm while such order is in effect.

309.10.1 RETURN OF FIREARMS

(a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon

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would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code § 18265).

(b) If; however, any officer has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall, within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.

(c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Monterey County District Attorney's Office will send a release after the case is adjudicated. Such petition shall be filed within 60 days of the initial seizure or upon timely application to the court for an extension within no more than 90 days.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice, which conforms to the provisions of Penal Code § 33850.

(e) The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

309.11 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly the a court 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 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. Regulation or filing of an order in California is not required for th enforcement of a valid foreign order (Family Code 6403).

(c) Contact the issuing court to verify the validity of the order.

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(d) Contact a law enforcement official form 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.

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Search and Seizure

310.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Pacific Grove Police Department personnel to consider when dealing with search and seizure issues.

310.2 POLICY

It is the policy of the Pacific Grove Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property. The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

310.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search. Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

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

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.

310.3.1 RESIDENCE

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

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310.3.2 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be. An item in plain view may generally be seized when all of the following conditions exist:

(a) It was viewed from a lawful location.

(b) There is probable cause to believe that the item is linked to criminal activity.

(c) The location of the item can be legally accessed.

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

310.3.3 EXIGENT CIRCUMSTANCES

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

(a) Imminent danger of injury or death.

(b) Serious damage to property.

(c) Imminent escape of a suspect.

(d) The destruction of evidence.

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

310.4 SEARCH PROTOCOL

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

(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.

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

310.5 DOCUMENTATION

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

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

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

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Adult Abuse

311.1 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 Pacific Grove Police Department members as required by law.

311.1.1 DEFINITIONS

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).

Dependent Adult - Any person residing in this state, 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 includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, a defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

Elder - Is any person residing in this state, 65-years of age or older.

Financial Abuse - Is a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her legal trust.

Abuse of an Elder or a Dependent Adult - Is physical abuse, neglect, financial abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Adult Protective Services Agency - Is a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Neglect - Is the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

(a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter,

(b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

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Imminent Danger - means a substantial probability that an elder or dependent adult is in imminent or immediate risk of death or serious physical harm, through either his or her own action or inaction, or as a result of the action or inaction of another person (Welfare and Institutions Code § 15610.39).

311.2 POLICY

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

311.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)

2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or

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destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)

3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)
4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

311.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

311.5 INTERVIEWS

311.5.1 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.

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311.5.2 PRELIMINARY INTERVIEWS

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

311.6 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 adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

311.6.1 OFFICER'S RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an 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 Report of Suspected Dependent Adult/ Elder Abuse form developed for this purpose.

(b) Notify the Shift Supervisor so an interagency response can begin.

311.6.2 SHIFT SUPERVISOR'S RESPONSIBILITIES

The Shift Supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Shift Supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(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.

311.7 MANDATORY NOTIFICATION

Members of the Pacific Grove Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

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

A dependent adult is an individual, 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 (Welfare and Institutions Code § 15610.23).

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

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

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

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(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

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

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

311.7.1 NOTIFICATION PROCEDURE

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

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

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

(h) Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy. Officers investigating adult abuse shall complete a State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

311.8 MEDICAL EXAMINATIONS

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

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

311.9 PROTECTIVE CUSTODY

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

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

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody. When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

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311.9.1 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)).

311.10 TRAINING

The Department should provide training on best practices in 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 adult abuse investigations.

(f) Availability of victim advocates or other support.

311.11 RECORDS BUREAU RESPONSIBILITIES

The Records Section is responsible for:

(a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original adult abuse report with the initial case file.

311.12 JURISDICTION

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

311.13 RELEVANT STATUTES

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon

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unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(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.

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(d) For purposes of this section, “representative” means a person or entity that is either of the following:

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) “Isolation” means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

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

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

Welfare and Institutions Code § 15610.57

(a) “Neglect” means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

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(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. “Physical abuse” means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

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Child Abuse

312.1 PURPOSE AND SCOPE

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

312.1.1 DEFINITIONS

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).

312.2 POLICY

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

312.3 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.

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

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

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

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1);

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neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

312.3.1 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.

312.4 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).

312.5 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.

(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.

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(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).

312.5.1 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).

312.6 PROTECTIVE CUSTODY

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

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

The officer shall 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):

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(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

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

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

312.6.1 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.

312.6.2 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.

312.7 INTERVIEWS

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312.7.1 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.

312.7.2 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.

312.7.3 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).

(a) Absent exigent circumstances, except for School Resource Officers, Penal Code § 627.2 requires officers to make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

1. Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
2. Officers should be sensitive to the individual protocols of each school as they relate to the detention and interview of students under their care.

(b) Any juvenile student 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 school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

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1. The child shall be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the school, including any certificated or classified employee or volunteer aide, to be present at the interview. A representative of the agency investigating suspected child abuse or neglect or the State Department of Social Services shall inform the child of that right prior to the interview.
2. The member of the staff so elected shall not participate in the interview. The member of the staff so present shall not discuss the facts or circumstances of the case with the child. The member of the staff so present, including, but not limited to, a volunteer aide, is subject to the confidentiality requirements of this article, a violation of which is punishable as specified in Penal Code § 11167.5. A representative of the school shall inform a member of the staff so selected by a child of the requirements of this section prior to the interview.
3. Failure to comply with the requirements of Penal Code § 11174.3(a) does not affect the admissibility of evidence in a criminal or civil proceeding.

312.8 VICTIM'S RIGHT TO CONFIDENTIALITY

Officers shall advise the victims that they have a right to have their name kept confidential. Officers will present victims with PGPD Form "VICTIM'S RIGHT TO CONFIDENTIALITY-293 PC, 6254 GOV.CODE" and shall have the victim indicate if they wish their name to be kept confidential. Completed forms will be attached to the report. Refer to Government Code § 6254(F)(2). The exact language on that form reads:

Government Code 6254(F)(2): The name of a victim of any crime defined by the following sections of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.

- Section 220 - Assault with intent to commit mayhem or sex crimes
- 261 Rape
- 262 Rape of a spouse
- 264 Unlawful sexual intercourse
- 264.1 Conspiracy to sexually assault
- 273a Cruelty to children
- 273d Corporal injury upon a child
- 273.5 Corporal injury inflicted upon a family
- 286 Sodomy
- 288 Sex offense against child or dependent adult
- 288a Oral copulation
- 289 Penetration genital or anal openings

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- 422.6 Discriminatory violation civil rights
- 422.7 Discriminatory violation civil rights - special circumstances
- 422.75 Discriminatory felony violation of civil rights
- 646.9 Stalking

312.9 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.

312.10 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.

312.10.1 WATCH COMMANDERS RESPONSIBILITIES

The Watch Commander 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 Watch Commander 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) Complete a log 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.

312.10.2 OFFICER RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Patrol supervisor so an interagency response can begin.

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312.11 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

312.11.1 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).

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

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

312.11.3 CACI HEARING OFFICER

The Commander 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.

312.11.4 CACI HEARING PROCEDURES

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

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

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

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

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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.

312.11.5 CHILD DEATH REVIEW TEAM

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

312.12 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

313.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations for juveniles and adults.

313.1.1 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).

313.2 POLICY

The Pacific Grove Police Department does not consider any report of a missing person, missing child or unidentified children to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Pacific Grove 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).

313.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Operations Commander 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

313.4 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).

313.5 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) Obtain a description of the person and gather all pertinent information about the missing person (clothing worn, backpacks, jackets, has money, has cell phone etc.) and disseminate information to fellow officers, communications, and surrounding agencies.

(d) 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).

    1. In all at-risk cases, the Operations Commander shall be notified.

(e) 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).

(f) 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.

(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(h) Collect and/or review:

    1. A photograph and a fingerprint card of the missing person, if available.

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2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
5. Consider creating and disseminating a TRAK message.

(i) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(j) 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.

(k) Search the home thoroughly for the missing person

(l) Search the surrounding area.

313.6 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.

313.6.1 SUPERVISOR RESPONSIBILITIES

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

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

(g) The Watch Commander will notify the Operations Commander as soon as practical.

(h) Updating alerts.

(i) Canceling alerts.

(j) Consider calling a K9 Officer if appropriate.

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

313.6.2 RECORDS SECTION RESPONSIBILITIES
The receiving member shall:

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

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(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 Patrol.

(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).

313.7 INVESTIGATOR 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

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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).

(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).

(l) Verify accuracy and re-evaluate all evidence previously collected.

313.8 WHEN A MISSING PERSON IS FOUND

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

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

(a) Notification is made to California DOJ.

(b) The missing person’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General's Office

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

313.8.1 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.

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313.9 CASE CLOSURE

The Patrol 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 Pacific Grove 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 inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

313.9.1 RUNAWAY JUVENILES RETURNED

(a) Upon the return of a runaway juvenile, the responding officer shall make an appropriate investigation and complete a supplementary report.

(b) The officer should interview the parent(s) or guardian and the juvenile regarding reasons for leaving home and the juvenile's activities while away.

(c) If the juvenile's behavior or activities indicate further action is necessary, the appropriate reports and case disposition should be completed by the assigned investigator.

(d) If the runaway juvenile is held in temporary custody at this department, the responding officer shall notify the parents or legal guardian as soon as practical.

313.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive training at least once every three years that includes:

(a) The initial investigation:

1. Assessments and interviews.
2. Use of current resources, such as Mobile Audio Video (MAV).
3. Confirming missing status and custody status of minors.
4. Evaluating the need for a heightened response.
5. Identifying the zone of safety based on chronological age and developmental stage.

(b) Briefing of department members at the scene.

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(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

314.1 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.

314.2 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.

314.3 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.

314.3.1 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.

314.3.2 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

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6. Name and telephone number of the Operations Commander or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

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

314.4 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.

314.4.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

314.4.2 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

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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 Operations Commander 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

314.5 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).

314.5.1 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.

314.5.2 PROCEDURE FOR SILVER ALERT

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

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314.6 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Patrol Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

(c) The Operations Commander will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Pacific Grove Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

314.7 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).

314.7.1 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.

314.7.2 PROCEDURE

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

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Victim and Witness Assistance

315.1 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.

315.1.1 DEFINITIONS

Victim of Violent Crime - A victim of violent crime is any person who sustains a physical injury; or in certain circumstances an emotional injury, as a direct result of a crime. The law excludes vehicle accidents under normal circumstances, but includes assaults with motor vehicles or injuries sustained as a result of any hit and run collision or a violation of Vehicle Code § 23152 or § 23153 (Driving Under the Influence). A victim of a violent crime may also include a dependent of one who is injured.

315.2 POLICY

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

315.3 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 Pacific Grove 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.

315.3.1 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.

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(d) Annually providing CalVCB with his/her 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 Pacific Grove Police Department jurisdiction (Penal Code § 680.2).

315.3.2 ADVISEMENT RESPONSIBILITY

Every employee reporting or investigating a crime where a victim has suffered direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a crime or delinquent act will ensure the victim has been provided with information about the existence of the local victim centers. This may be accomplished by providing the victim the Marsy's Card with the case report number noted on the card (Penal Code § 679.026). A Victim of Violent Crime form should also be provided if the victim suffered an injury as a direct or proximate cause of that crime.

If for any reason the investigating employee is unable to complete the above notifications such fact shall be noted in the related case report and the notifications should be completed by the assigned detective.

315.4 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.

315.4.1 REPORTING OFFICER RESPONSIBILITY

It shall be the primary responsibility of the reporting officer to make the required advisement as set forth in Policy Manual § 336.3.2. The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement should be made at a time and place where the victim is able to understand and appreciate its meaning. Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned officer shall accomplish the following:

(a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).

(b) If the victim is transported to a hospital for any medical, evidentiary or physical examination the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

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1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
2. A support person may be excluded from the examination by the officer or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

315.4.2 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 their name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293 (a) and (b)). Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

315.4.3 DETECTIVE RESPONSIBILITY

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make the necessary advisement. The investigating officer shall use discretion and tact in making such advisement.

315.4.4 SUPERVISOR RESPONSIBILITY

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. Investigationsis then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

315.4.5 VICTIM INFORMATION AND NOTIFICATION

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the Pacific Grove Police Department Victim Information card.

315.4.6 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

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becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

315.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check 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).

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315.6 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.

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Hate Crimes

316.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

316.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

(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

(h) Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
2. Defacing a person’s property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

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 agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

316.2 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

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(a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and community follow-up as outlined below.

(d) Educating community and civic groups about hate crime laws.

(e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

316.3 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.

(e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))

2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).

(f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.

(g) The assigned officers shall include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports shall be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, shall be completed and submitted by the assigned officers before the end of the shift.

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(h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

316.3.1 PATROL RESPONSIBILITY

If a hate crime case is assigned to the Patrol, the assigned detective will be responsible for:

1. Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
2. Maintaining contact with the victims and other involved individuals, as needed.
3. Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Section Policy.
4. Make reasonable efforts to identify additional witnesses.
5. Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).
6. Provide the supervisor and the Operations Commander with information that can be responsibly reported to the media.
   (a) When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

316.3.2 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

(a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

(b) 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.

(c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.

(d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

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316.4 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 Pacific Grove 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).

316.4.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

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Gender expression - Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

Gender identity- Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

1. “Association with a person or group with these actual or perceived characteristics" includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

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- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality includes citizenship, country of origin, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

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316.5 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.

316.6 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.

316.6.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

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(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Coordinating with the Training Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Section for mandated reporting to the Department of Justice.

(l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Annually assessing this policy, including:

1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

316.6.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

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(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.

316.7 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

316.7.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible.

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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 § 6254.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation “in whole or in part” in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department’s Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

316.7.2 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).

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(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 § 6254.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim’s protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect’s social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.

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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.

316.7.3 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 § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officerto 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).

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(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.

316.8 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

316.9 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

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Discriminatory Harassment

317.1 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.

317.2 POLICY

The Pacific Grove 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.

317.3 DEFINITIONS

Definitions related to this policy include:

317.3.1 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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317.3.2 SEXUAL HARASSMENT

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

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

317.3.3 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

317.3.4 RETALIATION

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

317.4 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 Analyst, 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.

317.4.1 SUPERVISOR RESPONSIBILITIES

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Human Resources Analyst in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

317.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

317.4.3 QUESTIONS OR CLARIFICATION

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

317.5 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. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

317.5.1 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.

317.5.2 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 Analyst, or the City Manager.

317.5.3 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.

317.6 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:

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

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

317.6.1 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.

317.7 TRAINING

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

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

317.7.1 STATE-REQUIRED TRAINING

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

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

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

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

If the required training is to be provided by DFEH online training courses, the Training Manager should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

317.7.2 TRAINING RECORDS

The Administrative Technician 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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317.8 WORKING CONDITIONS

The Training Manager 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).

317.9 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).

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Standards of Conduct

318.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Pacific Grove Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

318.2 POLICY

The continued employment or appointment of every member of the Pacific Grove Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

318.3 DISCIPLINARY STANDARD

(a) Any member of the police department may be disciplined whenever the member's job performance or job-related misconduct so warrants.

(b) The "just cause" for such disciplinary action shall include, but is not limited to, incompetence, commission of a criminal offense, inefficiency, dishonesty, neglect of duty, misconduct, insubordination, conduct which tends to reflect unfavorably upon the member, department, or city, or failure to observe departmental or city policies, procedures, rules, and/or regulations. The specific charge against a member must be directly related to the member's duties and, if off-duty, they must be related to an act or acts that materially may affect the member's ability to perform the duties assigned or required or which are indicative of unfitness for his/her position. No sworn member may be suspended, demoted, transferred for punitive reasons or dismissed from his/her position for an act or acts of misconduct unless such member is "officially charged" with the misconduct within one year after the misconduct comes to the attention of the Chief of Police.

1. Officially Charged -- For purposes of this section, means that point in time at the completion of all disciplinary procedures, when the appointing authority or his/her designee, serves the member with a statement of the sustained allegations of misconduct and the recommended penalty, if applicable. The severity of the penalty shall be geared towards the actions of the employee and shall be progressive for subsequent discipline of similar nature.

318.4 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification. A lawful order is any

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written or oral directive issued by a ranking member, or relayed from a ranking member by a member or employee of the same or lesser rank to other members and/or employees.

318.4.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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

318.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.

(b) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(c) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(d) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(e) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

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318.5 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

318.6 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

318.6.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

318.6.2 ETHICS

(a) Using or disclosing one’s status as a member of the Pacific Grove Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) Employees shall not use their position or knowledge gained by employment with the Department to intervene or interfere with any case or investigation being handled by this Department or any other agency.

(d) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(e) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(f) Offer or acceptance of a bribe or gratuity.

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(g) Misappropriation or misuse of public funds, property, personnel or services.

(h) Any other failure to abide by the standards of ethical conduct.

The Pacific Grove Police Department provides ethics training to all personnel at least biennially

318.6.3 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(c) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(d) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(e) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(f) Engaging in horseplay that reasonably could result in injury or property damage.

(g) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(h) Use of obscene, indecent, profane or derogatory language while on- duty or in uniform.

(i) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

(j) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(k) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(l) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(m) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(n) Any other on- or off- duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

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318.6.4 PERSONAL CONDUCT

All police employees must strive to maintain the highest degree of public trust placed upon the law enforcement profession. Therefore, it follows that public actions, inaction, attitudes and opinions of police personnel which are unprofessional or unworthy of this trust tend to undermine and detract from the public respect of law enforcement individually and collectively. With this in mind, the following is a list of some of the more obvious requirements and restrictions relating to conduct in public. Employees shall:

(a) Be civil, orderly and courteous in conduct and demeanor.

(b) Not seek a restraining order against anyone encountered in the line-of-duty without the express permission of the Chief of Police.

(c) Avoid answering questions in a short or abrupt manner, give the greatest possible attention and courtesy and avoid controversy.

(d) Give all proper information carefully, professionally, accurately and respectfully and furnish their name and badge number to any person upon request.

(e) Refrain from harsh, violent, coarse, profane or insolent language and not speak slightly of the nationality, color, creed, sexual orientation or beliefs of any person while on-duty.

(f) Not conduct oneself in an immoral, indecent, lewd or disorderly manner.

(g) Not enter places of amusement while on-duty except for official police purposes.

318.6.5 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

318.6.6 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

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318.6.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Unauthorized sleeping during on-duty time or assignments.

(f) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers, dependents,marital status or emergency notification.

1. A member may use a Post Office Box as a mailing address, but the member is still required to provide the PGPD and Personnel Department with their current home address.

2. Members shall have on file their Department Emergency Contact Information. Members shall submit changes in Emergency Contact Information via the Chain of Command. This information shall be reviewed and updated by the employee each January.

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

318.6.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work -related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department -related business.

(d) Employees shall provide complete and truthful responses to questions posed during interviews in connection with any investigation.

(e) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

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(f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(g) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(h) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

  (a) While on department premises.

  (b) At any work site, while on -duty or while in uniform, or while using any department equipment or system.

  (c) Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(i) Improper political activity including:

  (a) Unauthorized attendance while on -duty at official legislative or political sessions.

  (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on- duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(j) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(k) Employees will verbally identify themselves to callers and/or community members and provide their ID number when requested.

(l) Any act on- or off- duty that brings discredit to this department.

318.6.9 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

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(g) Any personal action contributing to a preventable traffic collision.

(h) Violating Departmental and/or City safety standards or safe working practices.

(i) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

318.6.10 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Disclosing, releasing or making available any information, photo or video that is confidential, sensitive, part of any investigation and is accessed as a result of employment with the Department without prior approval of the Commander.

(e) Loaning, selling, allowing unauthorized use, giving away or appropriating any Pacific Grove Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(f) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

318.6.11 RELATIONSHIPS

Unwelcome solicitation of a personal or sexual relationship while on -duty or through the use of one's official capacity.

(a) Engaging in on -duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(b) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(c) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(d) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member

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knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

318.6.12 DISCRIMINATION, OPPRESSION, OR FAVORITISM
Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

318.7 COUNSELING

If counseling is determined appropriate for the remediation of unwanted conduct, the direct supervisor of the affected employee may have the responsibility of ensuring the appropriate counseling occurs. This can be accomplished by:

(a) Documenting the unwanted conduct.

(b) Counseling the employee on the unwanted conduct.

(c) Advising about the Employee Assistance Program (EAP) as appropriate.

(d) Documenting that counseling occurred.

318.8 TRAINING FOR DISCIPLINARY ISSUES

In some cases, training may be an appropriate level of discipline or included with other levels of discipline. In determining whether training is appropriate, the Commander should consider if training will assist in correcting deficiencies in employee performance. This can be accompanied by

(a) Documenting the need for training to correct deficiencies in employee performance.

(b) Provide the employee with appropriate training to correct deficiencies in employee performance and determine that the employee has acknowledged and benefited from the training by improving his/her performance.

(c) Document that the training has been provided to the employee.

318.9 COMMENDATIONS AND TRAINING

Supervisors shall confer with their Division Commander before issuing a negative Evaluation Comment Form.

(a) On occasion, employees may receive written comments in the form of commendation or training from a supervisor on the Evaluation Comment Form. A commendation is for a favorable behavior demonstrated by the employee that is recognized by a community member or employee. The Evaluation Comment Form can also be used to document training where a violation of department policies and/or procedures has been observed. A training Evaluation Comment Form shall not include language which admonishes an employee that "further actions and/or inactions of this type may lead to

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further discipline up to, and including termination." The employee will be provided the training Evaluation Comment Form to read and initial. A copy of the training Evaluation Comment Form will be provided to the employee and the original will be maintained in the Supervisor's file for a maximum of 365 days and until the training information has been considered in the employee's annual evaluation.

(b) Employees will be given the opportunity to write a rebuttal letter to the training Evaluation Comment Form within 30 days of receiving the document. The rebuttal letter from the employee shall be attached to the training Evaluation Comment Form

(c) When a supervisor writes an evaluation for an employee who has received a training Evaluation Comment Form, the supervisor will not refer to the Evaluation Comment Form per se; but instead, will only discuss the information that was presented in the written entry. It will be the responsibility of the authoring Supervisor to ensure that all training Evaluation Comment Forms having been considered in the authoring of the employee's written evaluation have been purged from the file.

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Information Technology Use

319.1 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.

319.1.1 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 Pacific Grove 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.

319.2 POLICY

It is the policy of the Pacific Grove 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.

319.3 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).

319.4 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 supervisor.Members shall not use another person's access passwords, login information and other individual security data, protocols and procedures unless directed to do so by a supervisor. Prohibited uses of electronic systems and information include any use that would violate City or Department policies.

Department-issued digital storage devices are expressly and solely intended for work-related purposes on department computers. Use of these digital storage devices on any non-department device is risky and is done at the employee's own risk. The Department shall not be liable for any damage caused by the unauthorized use of these devices. Except as otherwise provided in this policy, it is a violation of the city's policy for any user to use the city systems for the purpose of accessing or retrieving another employee's e-mail, voice mail, data, files, or other electronically stored documents for any reason other than for a specified legitimate city purpose.

319.4.1 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 Policy 701- Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

319.4.2 HARDWARE

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

319.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet websites 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 websites. Certain

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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.

319.4.4 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.

319.5 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. No member of this department shall use, nor knowingly permit the use of a computer account or computer password of another member of the Department except as necessary in the performance of his/her official duties or as directed by a supervisor. Compromised passwords shall be changed immediately.

319.6 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

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contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service. 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.

319.7 OUTSIDE NETWORK AND SYSTEM ACCESS PROTOCOLS

Employees whose job performance will benefit from remote use of the City's Technology Resources will be given access to the City's various technologies based on their job functions. Employees should only use such access during their on-duty hours. The City does not require, mandate or otherwise compel off-duty remote access and provides such access only as a convenience to the employee. During their off duty hours, employees may voluntarily use their department issued city device to remotely access voicemail, e-mail and/or to exchange brief messages for a maximum of eight (8) minutes each day. Any deviation from this policy must be approved by the Commander. Any unauthorized deviation from this policy may lead to disciplinary measures, up to and including termination of employment.

319.8 PASSWORDS

(a) Each employee shall set a password for logging onto their computer.

(b) Disclosure and/or the Compromise of Passwords:

1. Passwords must never be disclosed to anyone, unless disclosure is approved by the department head.
2. Users are responsible for all activity performed with their personal user-IDs. User IDs may not be utilized by anyone but the individual to whom they have been issued. Users must not allow others to perform any activity with their user-IDs. Similarly, users are forbidden from performing any activity with IDs belonging to other users.
3. Preset passwords must be changed when a system is put into production.
4. Users should refrain from using the same passwords on multiple systems to avoid compromise.

(c) Expiration - Other than the administrator password, network systems must be set to have their passwords expire every 90 days.

(d) Manual Lockout - Employees shall manually initiate a system lockout to prevent inadvertent viewing when a device is unattended, which will then require a username and password to re-initiate the system.

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(e) Reminder Notes - Written password reminder notes should not be placed in areas where they can be easily found, such as, under or on your phone, keyboard, computer, monitor, mouse pad, desktop, etc.

(f) Unique User-ID and Password Required - Other than general user accounts approved by the system administrator, every user must have a single unique user-ID and a personal secret password. This user-ID and password will be required for access to multi-user computers and computer networks.

319.9 MEDIA STORAGE, SANITATION AND DISPOSAL

Media Storage

All digital and physical media shall be securely stored within physically controlled locations and controlled areas, and/or encrypted pursuant to the Criminal Justice Information Services (CJIS) Security Policy. During transport or transit, all digital and physical media shall be securely protected and controlled, and/or encrypted pursuant to the CJIS Security Policy.

Sanitation and Disposal of Digital Media

The Administrative Services Manager or his/her designee is responsible for the following:

(a) Ensuring the sanitization of all electronic media is completed prior to its disposal or release for re-use by unauthorized individuals.

1. The sanitation process shall be accomplished by overwriting at least three times or degaussing the digital media.

(b) Ensuring all inoperable digital media is destroyed (cut up, shredded, incinerated, etc.).

(c) Ensuring the destruction of all digital media is witnessed or carried out by authorized personnel.

(d) Maintaining written documentation of the steps taken to sanitize or destroy electronic media.

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Report Preparation

320.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

320.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held. Reports with no leads, no suspect information, or information only incidents shall be completed the by the end of the work week with Supervisor approval. Employees shall not approve their own reports.

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

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

320.1.2 SUPPLEMENTAL REPORTS AND INFORMATION

All pertinent additional/supplemental information concerning an incident previously recorded upon a Department report bearing a report number, shall be recorded upon an appropriate report form bearing that same report number.

320.2 REQUIRED REPORTING

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

320.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident if a felony or specified misdemeanor occurred regardless of whether a victim desires prosecution. Officers who are victims of crimes shall write their own crime report unless directed otherwise by the Watch Commander. Activity to be documented in a written report includes:

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(a) All arrests

(b) All felony crimes

(c) Non-Felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy
7. Animal Control Policy

(e) Any incident where timely reporting is required by law

(f) All misdemeanor crimes where the victim desires a report

320.2.2 NON-CRIMINAL ACTIVITY

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

(a) Any use of force against any person by a member of this department (see the Use of Force Policy)

(b) Any firearm discharge (see the Firearms Policy)

(c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(d) Any contraband, found property or evidence

(e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) All protective custody detentions

(h) When a vehicle is impounded (See Policy 502 Vehicle Towing and Release)

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented

(k) At the direction of a supervisor

(l) Animal bite reports, dangerous animals, injured animals, and the destruction of animals

(m) All incidents involving the death of a human being

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(n) Hazardous Material incidents where a CAD entry would not be sufficient to explain the incident

320.2.3 DEATH CASES

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

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

(e) Found dead bodies or body parts.

320.2.4 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.

All reports taken involving situations that may be a question of agency liability will be forwarded to the Risk Manager for review.

320.2.5 MISCELLANEOUS INJURIES

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

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

(e) The injury occurred on City property or the illness is attributed to the City.

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.

320.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California Department of Public Health(CDPH) of the incident, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

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320.2.7 EVENTS WHICH DO NOT REQUIRE A WRITTEN REPORT

The following may include events which may be cleared by a dispatch CADS entry without a written report:

(a) Infraction citation of an adult

(b) Traffic infraction citation where the violation occurred on or off city property

(c) 911 calls and hang-ups with no evidence of criminal activity, no one detained and there is no property damage or personal injury

(d) Reports of police radio problems

(e) Misplaced vehicles with no evidence of tampering

(f) Parking complaints with no property damage or personal injury

(g) Unsecured doors and gates to City facilities with no evidence of criminal activity

In order to document detentions of adults for infraction violations, the officer shall complete a Field Interview report. The information from the card will be entered into a Field Interview Report in the TracNet system by the reporting officer.

320.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

320.3.1 SUPERVISOR APPROVAL OF REPORTS

Generally, reports generated by field personnel shall be submitted through RMS for supervisor approval. If a report requires immediate approval, officers shall contact the Watch Commander. Other personnel shall submit completed reports to their respective supervisor.

The Watch Commander is responsible for reviewing all reports.

Approved reports shall be forwarded to the Records Section. Reports needing immediate attention (i.e., CHP 180s, missing person/juvenile, etc.) shall be brought to the attention of the Records Personnel for immediate entry into NCIC, CLETS or other systems. Reports needing immediate attention after hours shall be forwarded to the Carmel Police Department Records Section for immediate entry.

320.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should discuss the report with the officer and inform them of the reason(s) for rejection. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

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320.5 REPORT CHANGES OR ALTERATIONS

Supervisors shall review reports for content and accuracy before giving them to the Records Section for processing. Reports that have been approved by a supervisor and submitted to theRecords Section for filing and distribution shall not be modified or altered except by way of a supplemental report. On occasion records may make minor corrections such as transposed numbers, names and typographical errors, etc.. Reviewed reports that have not yet been submitted to theRecords Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

If a correction is needed for an electronic report, the reviewing supervisor has the option of either making any minor corrections without returning it to the employee and then forwarding it to the Records Section for processing, or noting the necessary corrections and electronically sending it back to the employee.

When the noted issues in the electronic report have been corrected by the employee, the electronic report shall be resubmitted to a supervisor for approval. Upon approval, the supervisor shall forward the electronic report to the Records Section for processing.

320.5.1 ALLOWING EMPLOYEES TO HOLD REPORTS FOR COMPLETION AT A LATER TIME

Only a supervisor can authorize someone to hold a report until the following day, and/or until their next shift. Supervisors should consider the following guidelines:

(a) Incidents that involve death, significant injuries, missing children or at risk adults, large property loss, and issues that are of importance to the public, city government or the police department should not be held over.

(b) Reports of higher importance and/or sensitivity should be completed in a timely manner to assist with follow-up investigations.

(c) Adult in-custody Arrest Reports must be processed by the Records Bureau and submitted to the Court Liaison Officer prior to the 48 hour Arraignment Hearing.

(d) In-custody juvenile arrest reports must be processed and submitted to Juvenile Hall within 24 hours of the arrest.

(e) The complexity of the incident and whether it will be more effective for the employee to write the report sooner rather than later.

(f) The number of hours the employee has been at work and their next scheduled shift.

(g) Whether the employee will be taking extended leave before their next shift, their work history for completing reports in a timely manner and/or their history of unscheduled absences.

Ultimately, it is the discretion of the supervisor, considering any or all of the above guidelines, as to whether a report is allowed to be held for completion. Employees are required to complete reports whenever a supervisor desires it to be done. It is not necessary for the supervisor to inform the employee exactly which, if any, of the above criteria, was considered when not allowing the report

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to be held for completion. If a report is allowed to be held, the supervisor should ensure that the employee is aware of exactly when the report shall be completed.

320.6 INVESTIGATIONS CASE ASSIGNMENTS

The following types of reports may be forwarded to the Investigations Division by the Watch Commander to the Operations Commander for review:

Felonies (except property crimes with no witnesses, leads, or evidence)

- Sex Crimes
- Coroner's Cases
- Missing Person Cases
- Domestic Violence Cases
- Any other various cases the Commander deems appropriate

320.6.1 SCHOOL RESOURCE OFFICER CASE ASSIGNMENTS

All reports that occur on school grounds, during school hours and events, while the SRO is on-duty, shall be the SRO's responsibility. A supervisor may elect to have another officer take a report if the SRO is unavailable.

Any crimes or incidents which are reported not during school hours will be taken the beat officer. The officer taking a report should forward a copy of the report to the SRO for the officer's information.

320.7 ELECTRONIC SIGNATURES

The Pacific Grove Police Department has established an electronic signature procedure for use by all employees of the Pacific Grove Police Department. The Patrol Operations Commander shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

320.8 COURTESY REPORTING PROCEDURES

If a crime that occurred within another jurisdiction is reported to this agency, the seriousness of the crime shall be evaluated prior to action being taken. If the responsible agency is unable to respond to the victim's location, or referral of the victim to that agency would be a hardship then a supervisor will be notified and determine if a courtesy report is to be taken.

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Media Relations

321.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

321.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, the Commander or Watch Commander may prepare and release information to the media in accordance with this policy and the applicable law.

321.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the commander, or if unavailable, to the duty supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from the Chief of Police or designee.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representatives 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.

The Commander shall be the Public Information Officer (PIO) in all matters related to emergency operations, as well as criminal and non-criminal investigations.

321.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Commander.

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2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the Watch Commander should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Commander.

321.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, shall not be disclosed to the news media, nor 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 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.

321.3.2 ACCESS TO PRISONERS

Prisoners shall not be posed or intentionally positioned for news photos or video. Members of the media may take "grab shots" while prisoners are being transported to and from detention or court. Prisoners shall not be requested to make statements to the media. News media interviews shall not be granted for any pre-arraigned prisoner.

321.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a weekly information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Commander. This media log will generally contain the following information:

(a) The date, time, location, case number, type of crime, and names of arrested individuals (except confidential informants) involved in crimes occurring within this jurisdiction

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unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(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

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

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 Chief of Police (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's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated custodian of records. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

321.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

Restricted information includes but is not limited to the following:

(a) Confidential Peace Officer personnel information

(b) Copies of traffic collision reports (except involved parties and their authorized representatives CVC 20012)

(c) Criminal history information

(d) Information that would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(e) Information pertaining to pending litigation involving this department

(f) Information obtained in confidence

(g) Information that is otherwise privileged or restricted under state or federal law (Government Code *6254 (k))

321.5 PREPARATION OF SOCIAL MEDIA RELEASES

(a) Social media releases may be prepared for the following types of incidents:

1. Fatal/major injury accidents (where someone is transported to the hospital);

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2. In-custody felony arrests
3. Felony crimes;
4. Follow-up investigation arrests if the incident generated an initial social media release;
5. Any other unusual or special incidents that may be of interest to the community (i.e. explosive devices);
6. Any other incident if directed by the Shift Supervisor or Patrol Commander

(b) Completion of the social media release should answer the questions of "who", "what", "when", "why" and "where" as much as possible.

(c) It is the responsibility of the social media team member to create a social media release as soon as practical. If investigation personnel are called in, the social media team member will confer with the investigator or supervisor prior to sending the social media release.

(d) A social media release is not to be made if it will endanger the successful completion of the investigation or a related investigation. If an Officer or Detective feels a social media release should be made, this is to be discussed with the Watch Commander. In some cases, a generic social media release without specific details may be appropriate.

(e) The law mandates police withhold a sexual assault victim's address (and location of the incident if it is the victim's address). This information is not to be placed on a social media release. If a specific location cannot be released, give a general location, such a Del Monte Park, beach tract, etc.

(f) The law mandates police withhold the names, addresses or any identifying information on juveniles under the age of 18 who are mentioned in police reports as arrestees, detainees, or suspects. Only list the gender, age and city of residence of juvenile on a social media release.

(g) If the news media requests additional information after reading the social media release, the Watch Commander is to be advised. The Watch Commander will review the report (if available) or talk to the investigating officer (if possible) and then verbally provide any additional appropriate information that can be properly released.

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False Alarm Documentation

322.1 PURPOSE AND SCOPE

This policy addresses the documentation of false alarms for billing pursuant to PGMC 11.62.

322.2 POLICY

This policy shall not apply to vehicle alarms, fire alarms, or medical emergency alarms.

322.3 RESPONSE TO ALARMS

Officers shall respond in a safe and timely manner to the report of, or observation of, an alarm emanating from a residence, business, or other structure.

322.4 DOCUMENTATION OF FALSE ALARM

Upon determination the alarm is false and not caused by, or to report, an actual criminal act, officers will record the location on the alarm card and then turn in the card to Records. Officers shall advise Records of any pertinent information, such as the cause of the alarm or responsible parties contacted at the scene. Records will then make an alarm entry documenting the time, date, and location of the false alarm into the RMS.

322.5 ALARM NOTIFICATION CARD

Officers shall complete an Alarm Notification card and leave the card in such a manner that the owner/resident will be able to locate it, but so the card is not observable by the general public.

322.6 FALSE ALARM BILLING

The Records personnel assigned to maintaining the false alarm billing system shall review the Incident Reports documenting false alarms on a monthly basis to determine if the alarm was properly permitted and if the response(s) was/were billable pursuant to PGMC 11.62. The Records personnel shall prepare the appropriate invoices and send the invoices via U.S. Mail to the responsible parties. Additionally, on an ongoing basis, they shall ensure payments received from responsible parties are properly accounted for and ensure the payments are forwarded the City's Finance Department.

322.7 FALSE ALARM APPEALS

The Administrative Services Manager will be responsible for the appeals process as the police department designee per PGMC 11.62.

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Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Pacific Grove Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

323.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or subpoena if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or subpoena so that he or she may be directed to appear in court within a reasonable amount of time.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action. Mandatory appearances include any of the following:

(a) Department of Motor Vehicles (DMV) hearings, except telephone testimony that is handled as "on-call" compensation

(b) Parole revocation hearings

(c) Probation hearings

(d) Juvenile Traffic Court appearances

(e) Civil hearings

(f) Evidentiary hearings (Penal Code §§ 995 and 1538.5)

(g) Depositions

(h) Any other subpoena where "mandatory appearance" is indicated

Continuance Status - Anytime a court case is being continued or taken off-calendar, the officer must contact the department by 6:00 pm the day prior to the court hearing date to determine if the department has been notified that the court appearance has been continued or canceled.

Trial by Declaration Notice - These requests by the court are normally mailed directly to the officer via the Department 30 days prior to their mandated completion date. There is ample time for the officer to complete a Trial by Declaration during normal on-duty hours. Officers are required to complete the requested written testimony in a timely manner. Officers must receive prior approval from a supervisor before completing a Trial by Declaration when overtime compensation is necessitated.

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323.2 POLICY

Pacific Grove Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

323.3 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 ,electronic notification from the court via computer or cell phone, or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2). Parties seeking to have the officer appear more than one day must make a deposit for each day in advance.

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)).

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(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 Pacific Grove Police Department.

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(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Pacific Grove 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.

323.3.2 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.

323.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for actions not related to their employment or appointment with the City of Pacific Grove will not be compensated for their appearance without prior approval of the Chief of Police. Arrangements for time off shall be coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the Watch Commander of his/her absence. It shall then be the responsibility of the Watch Commander to ensure the issuing authority is notified of the employee's unavailability 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.

323.5 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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323.5.1 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. When giving testimony under oath, personnel shall be truthful and honest in all testimonial matters.

323.5.2 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees, or

(c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matters.

(d) Any employee who provides expert testimony in any legal process shall notify the Operations Commander in a timely manner and follow the procedures in Policy - Outside Employment.

323.6 INFORMATION REGARDING A CITY INVOLVED INCIDENT

When a Department employee is approached by an attorney or an attorney's representative about an incident in which the City is involved, the employee shall not release any information without first contacting the City Attorney through the chian of Command. This includes all City related incidents, regardless of whether or not a claim for damage or civil complaint has been filed.

323.7 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.

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Outside Agency Assistance

324.1 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. This department may also request an outside agency to provide assistance.

324.2 POLICY

It is the policy of the Pacific Grove 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.

324.3 ASSISTING OUTSIDE AGENCIES

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

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

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

324.3.1 INITIATED ACTIVITY

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

324.4 REQUESTING OUTSIDE ASSISTANCE

The Watch Commander shall maintain an accessible list of those agencies that have entered into the Monterey County Mutual Aid Agreements with this agency. The Watch Commander shall

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cause notification to be made to the selected mutual aid agency by contacting that agency's Watch Commander.

(a) Officers shall check with the Watch Commander or another supervisor before requesting significant assistance from an outside agency. Significant assistance would include such things as surveillance, Penal Code § 836 arrests, securing a business or residence prior to serving a search warrant, etc.

1. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

2. The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

(b) If the request for assistance from the outside agency is not significant for the outside agency then the officer should advise a supervisor in a timely manner. Assistance from another agency that is considered not to be significant would include; checking to see if a vehicle is parked at a residence, checking to see if a victim knows that their vehicle is in the possession of another person, notifying parents that their family member has been located, etc.

324.4.1 MUTUAL AID NOTIFICATIONS

The Watch Commander shall notify the Commander as soon as possible following a decision to exercise mutual aid for major occurrences. If the mutual aid request is not for a major occurrence, the Watch Commander will make an entry in the shift Notes.

324.4.2 OPERATIONS OUTSIDE CITY: NOTIFICATION

It is the policy of this department to notify the appropriate police agency, when practical, when investigations or operations lead into another jurisdiction.

324.5 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.

324.6 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 Administrative Services Manager or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

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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 the Communications Center and the Watch Commander to ensure use of the equipment and supplies arein compliance with the applicable sharing agreements.

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

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Registered Offender Information

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Pacific Grove 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.

325.1.1 DEFINITIONS

Registration procedures are defined by the following:

Sex Offender "registrant" as defined within Penal Code § 290

Narcotic Offender "registrants" as defined within Health and Safety Code § 11590

325.2 POLICY

It is the policy of the Pacific Grove 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.

325.3 REGISTRATION

The Patrol 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.

325.3.1 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.).

325.3.2 PROCEDURE FOR SEX OFFENDER REGISTRANTS

(a) Registrants may register at the Pacific Grove Police Department by appointment only, excluding holidays. Registrants must provide government issued identification at the time of their registration.

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(b) When a person comes to the PGPD to register as a sex offender (Penal Code § 290), State Form SS-8102S shall be filled-out by a detective. Sex offenders shall have direct contact with a detective, to facilitate a proper threat assessment.

(c) The detective will complete the form with the registrant to ensure accuracy and completeness. As part of the registration process, the detective should have the registrant read aloud one of his/her restrictions to demonstrate literacy.

(d) If the registrant has a prior PGPD record file and is fulfilling their annual or 30 day update, then that case number will be entered on the proper forms and photo identifier. If no prior record file has been assigned, then a new record file will be issued to document the registration.

(e) The registrant shall then be photographed and fingerprinted by the detective.

1. Photographs of the face and any new/removed tattoos or scars shall be taken.

2. Livescan shall be completed.

(f) The assigned detective shall complete two registration receipt forms. One registration receipt form will be marked "Temporary" and given to the registrant at the time they are being processed. The second registration receipt will be marked "Permanent" and will be mailed to the registrant.

(g) File the photographs of the registrant in the PGPD record file (with exception of one photograph uploaded through CSAR).

325.3.3 PROCEDURE FOR NARCOTIC OFFENDER REGISTRANTS

When a person comes to the PGPD to register as a narcotic offender (Health and Safety Code § 11590) the procedure is as follows:

(a) Registrants may register at the Pacific Grove Police Department by appointment only, excluding holidays. Registrants must provide government issued identification at the time of their registration.

(b) A detective will check the completed form for accuracy and required information. As part of the registration process, narcotic offenders shall have direct contact with a detective, to facilitate a proper threat assessment.

325.4 MONITORING OF REGISTERED OFFENDERS

The Operations Commander 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. The Operations Commander should also establish a procedure to routinely disseminate information regarding registered offenders to

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Pacific Grove Police Department personnel, including timely updates regarding new or relocated registrants.

325.5 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 Pacific Grove Police Department's website. Information on sex registrants placed on the Pacific Grove Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

325.5.1 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).

325.5.2 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).

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Identity Theft

326.1 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.

326.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

326.2.1 REPORTING FORMS

Officers shall document an identity theft investigation using a crime report in the Records Management System.

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326.3 PREVENTION AND VICTIM ASSISTANCE

Fraud prevention and victim assistance materials are available at **www.consumer.ftc.gov**. Department members should refer victims to the Federal Trade Commission Consumer Information websites, along with documenting the referral in the narrative of the report. Department members should offer a Victims of Identity Theft Information pamphlet/booklet to all victims of identity theft as it contains information to further assist victims in reestablishing their credit and identity.

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Private Persons Arrests

327.1 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.

327.2 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.

327.3 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.

327.4 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

327.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury. In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

When a person arrested pursuant to a private person's arrest is to be released in the field, the responding officer shall include the name of the private person making the arrest in the "Arresting Officer" space on the citation.

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Anti-Reproductive Rights Crimes Reporting

328.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

328.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

328.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

By the tenth day of each month, it shall be the responsibility of the Records Supervisor to ensure that a data report is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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Limited English Proficiency Services

329.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

329.1.1 DEFINITIONS

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Pacific Grove Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

329.2 POLICY

It is the policy of the Pacific Grove Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members. Members of this Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

329.3 TYPES OF LEP ASSISTANCE AVAILABLE

Pacific Grove Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

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329.4 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. This department will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

329.5 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

329.6 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

329.7 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

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(d) Knowledge of the ethical issues involved when acting as a language conduit.

329.7.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department has contracted with the Language Line. For verbal communication, members should follow the following steps:

Phone (800) 523-1786

(a) You will first be asked what language you need translated.

1. If unsure of the language being spoken, inform the translator and they will assist in determining it.

(b) When prompted, provide the following information:

1. Account # 101087
2. Organization Name: City of Pacific Grove Police Department
3. Employee ID Number (badge number)

(c) The interpreters will introduce themselves by first name, and provide a four-digit Operator ID Number.

(a) The operators will not release any other personal information such as their last name or date of birth.

For written translation services, member should go to the following link:

https://www.languageline.com/document-translation.php

Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
-
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

329.8 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

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Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

329.9 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

329.10 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

329.11 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

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329.12 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate.Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation shall not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

329.13 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

329.14 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources. The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

329.14.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

330.1 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.

330.1.1 DEFINITIONS

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.

330.2 POLICY

It is the policy of the Pacific Grove 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.

330.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Policehas designated the Administrative Services Manager to be the ADA Coordinator (28 CFR 35.107).

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Pacific Grove Police Department’s efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable 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.

330.4 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.

330.5 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. 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

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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 Pacific Grove 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.

330.6 TYPES OF ASSISTANCE AVAILABLE

Pacific Grove 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.

330.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

330.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified

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interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

In the event an interpreter is needed during an investigation, the City of Pacific Grove has contracted with CCSLI Interpreting 1522 Constitution Blvd PMB 170 Salinas, CA 93905 831-297-4321 or 1-800-210-9173 for interpreting services for the deaf and hard of hearing. The ADA Coordinator will make most arrangements for interpreters for City planned events where applicable.

330.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications. The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

330.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services. Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when

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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.

330.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect). Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

330.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used. All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

330.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary. The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every 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. Officers have been provided useful guides in each marked patrol unit to assist in dealing with persons who are deaf or hard of hearing.

330.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

330.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card. In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

330.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

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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.

330.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator. Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

330.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

330.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant 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 Sergeant 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.

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330.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months or based upon policies and procedures from County Communications.

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Mandatory Employer Notification

331.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

331.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

331.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

331.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

331.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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331.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

331.3 POLICY

The Pacific Grove Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

331.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

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Offender Biological Samples

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code 295, et seq.). This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses.

This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

332.2 POLICY

The Pacific Grove Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state with as little reliance on force as practicable. Since the Pacific Grove Police Department does not have a temporary holding facility, the handling of offender biological samples will occur at the Monterey County Jail upon booking and is the responsibility of the Monterey County Sheriff's Office.

332.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

332.4 PROCEDURE

When an individual is required to provide a biological sample, an officer shall obtain the sample in accordance with this policy.

332.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual’s criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

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(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

332.4.2 FULL PALM PRINTS

Right thumbprints and a full palm print impression of each hand shall be taken through Livescan. Right thumbprints also shall be taken at the time of the collection of samples and specimens and shall be placed on the sample and specimen containers and forms as directed by the Department of Justice. The samples, specimens, and forms shall be forwarded to and maintained by the DNA Laboratory of the Department of Justice (Penal Code § 298(b)(4)).

332.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

332.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

332.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

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332.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

332.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

332.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

332.6.4 RELATED STATUTES

It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity (Penal Code § 298.2). It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes (Penal Code § 299.5(i)(1)(A)).

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Child and Dependent Adult Safety

333.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

333.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Pacific Grove Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

333.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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333.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

  1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

  1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

All arrangements for emergency placement of dependent children or adult will be made by the Department of Social Services of the County of Monterey. They may be contacted during business hours at their office and after hours through their emergency response command post (telephone numbers are available from the Communications Center). If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

333.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)). If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor

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should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

333.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

333.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

333.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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333.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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Service Animals

334.1 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).

334.1.1 DEFINITIONS

S**ervice 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). California expands the definition of a service animal to include other animals that are individually trained to provide assistance to an individual with a disability (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)).

334.2 POLICY

It is the policy of the Pacific Grove 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.

334.3 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.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

334.4 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 Pacific Grove Police Department affords to all members of the public (28 CFR 35.136).

334.4.1 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.

334.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

334.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)). Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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334.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302). Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Volunteer Program

335.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

335.1.1 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, college interns for academic credit, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

335.2 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.

335.3 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 departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

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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.

335.4 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.

335.4.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service or the light bar is covered to negate its use. Volunteers shall not authorized to operate a Department vehicle Code-3.

335.4.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or In-Car Computer and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

335.5 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.

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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.

335.5.1 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.

335.6 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.

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Department Use of Social Media

336.1 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).

336.1.1 DEFINITIONS

Social media - Any wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

336.2 POLICY

The Pacific Grove Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events, as well as to encourage community engagement. Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

336.3 AUTHORIZED USERS

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

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting. Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

336.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

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(a) Announcements

(b) Tips and information related to crime prevention

(c) Investigative requests for information

(d) Requests that ask the community to engage in projects that are relevant to the department mission

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information

(f) Traffic information

(g) Press releases

(h) Recruitment of personnel

336.4.1 INCIDENT-SPECIFIC USE

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

336.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Pacific Grove Police Department or its members.

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

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

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

336.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public. However citizen comments related to department posts are allowed and encouraged as long as they are appropriate and meet the terms and use of the social media site. The Department may provide a method for members of the public to contact department members directly.

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336.6 MONITORING CONTENT

The Chief of Police has appointed the Administrative Services Manager 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.

336.7 RETENTION OF RECORDS

The Administrative Services Manager 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.

336.8 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. Members will also review City of Pacific Grove Council Policy # 000-22.

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Off-Duty Law Enforcement Actions

337.1 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 Pacific Grove Police Department with respect to taking law enforcement action while off-duty.

337.2 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.

337.3 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.

337.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

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(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

337.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible. Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Pacific Grove Police Department officer until acknowledged. Official identification should also be displayed.

337.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

337.4.3 PROFESSIONAL STAFF RESPONSIBILITIES

Professional staff personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

337.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

337.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee. Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Off-duty events shall be documented by officers on a memorandum to the Chief of Police. The memo shall be submitted to the officer’s supervisor as soon as practical. In any off-duty incident, which results in the documentation of that incident by the local jurisdiction, the Watch Commander shall request a copy of that documentation be forwarded to the Department and directed to the Office of the Chief of Police.

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Off-Duty Law Enforcement Actions

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Major Incident Notification

338.1 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.

338.2 POLICY

The Pacific Grove 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.

338.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the Operations Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides or potential homicide
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- A department member engaged in any law enforcement activity in another jurisdiction that resulted in the taking of a report (see Policy – Off-Duty Law Enforcement Actions)
- Serious injury or death to any person involving a Pacific Grove Police Department employee
- Significant injury or death to any City of Pacific Grove employee or public official - on or off duty
- Death or serious injury of a prominent Pacific Grove official
- Arrest of a department employee or prominent Pacific Grove official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths or serious injuries
- Any vehicle Pursuits terminating in an accident
- Fire or Arson creating a threat to life or property
- Hazardous chemical or material spills creating a threat to life or property
- Bomb threats that necessitates an evacuation
- Any incident likely to bring immediate media attention to the city
- Mutual Aid activations
    - Call for service that involves any federal, state or locally elected officials

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  - Incident where there is a significant potential for civil liability
  - Incident where there is significant damage to City property
  - Call for service involving the School District that would require notification to the School
- Serious crimes occurring in or around a school that poses a threat to students or faculty
- Kidnappings,child abduction, or critical missing juvenile
- Hostage or barricaded suspect
- Any event when it is determined that shots were fired at another person
- SRU call-out in Pacific Grove (Make notification prior to the call-out)
- Bank robberies within the City
- Hate crimes
- Any other situation where the Watch Commander deems it appropriate.

338.4 SHIFT SUPERVISOR'S 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 and shall make notifications immediately or as soon as practicable. Notifications should be made by calling the Operations Commander city cell phone number first and then by any other available contact numbers. The Commander will make notifications to the Chief of Police. In the event a supervisor is unable to make notification to the Commander, he/she will notify the Chief directly.

338.4.1 DETECTIVE NOTIFICATION

If the Watch Commander determines a Detective should be called to the scene for assistance, he/she will contact the Operations Commander to obtain authorization to contact the on call Detective to respond.

338.4.2 CRIME SCENE INVESTIGATION

The Watch Commander shall confer with the Operations Commander to determine if a Crime Scene Investigator from the Monterey County Sheriff's Office shall be called or if a Police Services Technician trained in CSI should handle the crime scene investigation. Once decided the Watch Commander will contact the respective CSI team.

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338.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Operations Commander and Administrative Services Manager has been designated as the PIO and shall handle all media requests.

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Death Investigation

339.1 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.

339.2 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.

In all cases, the primary officer shall notify the Watch Commander of the circumstances involving a dead body investigation and supply the information necessary for an entry on the Watch Commander's Log. The Watch Commander or his/her designee shall make all of the Department notifications in compliance with Policy - Major Incident Notification.

339.2.1 CORONER REQUEST

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

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

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(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 in-custody and police involved deaths.

(o) All deaths of unidentified persons.

(p) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(q) 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.

339.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained by the primary officer or the investigating officer. This receipt shall be attached to the death report by the primary officer.

339.2.3 DEATH NOTIFICATION

The officer assigned to an incident involving a dead body report shall consult with the Watch Commander before making notification to the next of kin. Since the responsibility for notifying the next of kin rests with the Coroner's Office, such notification will only occur after conferring with the Coroner's Office.

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. In such circumstances the Watch Commander shall be responsible for the certainty of notification.

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When authorization is granted by the Coroner's Officer to make notification to the next of kin, the Watch Commander shall be responsible for seeing that necessary precautions are taken to cushion the impact as much as possible. These precautions include, but are not limited to the following:

(a) The notification shall not be done via telephone.

(b) Efforts should be made to ascertain the age and health of the recipient prior to notification.

(c) Efforts should be made to secure the company of a relative or friend to be with and support the recipient.

(d) The information should be delivered forthrightly, but with consideration for the next of kin.

(e) The information should be given in the recipient's home or a private place away from public view.

(f) Whenever possible, a Department Chaplain may be used to make notifications.

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.

339.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner’s office will issue a “John Doe" or "Jane Doe” number for the report.

339.2.5 DEATH INVESTIGATION REPORTING

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

339.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Watch Commander and Operations Commander shall immediately be notified to determine the possible need for additional personnel and whether a detective or other resources from an outside agency to respond to the scene for further immediate investigation.

339.2.7 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)).

(a) (a) 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' employment shall ensure the following protocols are followed:

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1. The nearest office of Cal-OSHA is immediately notified by telephone or teletype with all pertinent information (8 CCR § 342(b)).
2. Immediately notify the Monterey County District Attorney's Office (831) 755-5070.
3. If deemed appropriate by the Monterey District Attorney's Office, a prosecutor and investigators will be assigned to the incident and respond to the scene.
4. The Pacific Grove Police Department shall be responsible for securing and maintaining the scene until the District Attorney personnel have arrived. All physical evidence shall remain in the custody of Cal-OSHA or the Pacific Grove Police Department.

(b) At the scene of the workplace or environmental incident, the Pacific Grove Police Department and/or Cal-OSHA will have primary responsibility to investigate the incident. The responsibility of the District Attorney rollout team will be assisting and advising the Pacific Grove Police Department/Cal-OSHA on criminal issues and observing, and when appropriate, participating in the investigation.

(c) The Incident Commander (or his/her designee) or the officer in charge at the scene of the incident should provide the Cal-OSHA and District Attorney roll out teams with the following:

1. The names and present whereabouts of the officers or investigators involved in the incident.
2. The names, contact information and present whereabouts of all civilian witnesses,
including copies of any field identification cards.
3. The statements of officers, investigators and civilian witnesses.
4. Any physical evidence discovered.
5. A walk-through of the scene.
6. The medical condition of any injured persons.

339.2.8 SUICIDE NOTES

The original suicide note shall be collected as evidence by either the Coroner's Office or the primary officer as determined by the coroner on scene. If a copy is desire by investigative personnel, it should be obtained from the Coroner's Office. If the original not is desired for Crime Lab study, it may be picked up at the Coroner's Records Division Office by authorized personnel.

339.2.9 POISONS AND DRUGS

All poisons, drugs, and their containers suspected of being connected with a suicide shall accompany the body to the Coroner.

339.2.10 FIREARMS

All firearms suspected of being suicide weapons shall be retained by the investigating officer for testing purposes.

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339.2.11 PERSONAL PROPERTY OF THE DECEASED
Property or evidence related to the investigation and for any subsequent prosecution in a criminal death may be held only with the Coroner's knowledge. A receipt for such property must be given to the Coroner.

339.3 REPORTS BY THE PRIMARY OFFICER

The Primary Officer shall be responsible for completing an initial report, which contains the facts related to the initial investigation of the incident.

339.3.1 REPORTS BY DETECTIVE BUREAU PERSONNEL
Assigned detective personnel shall be responsible for writing the necessary supplemental reports related to the investigation. They will be responsible for the reclassification of the incident should the investigation reveal that the death was other than natural. The investigator shall be responsible for forwarding all necessary reports to the Coroner.

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Sobering Center Commitments

340.1 PURPOSE AND SCOPE

This policy provides guidelines for use of the Sunstreet Center Sobering Center, which provides a supervised facility where people who are contacted by law enforcement for non-violent offenses of public intoxication or driving under the influence can be safely monitored while sobering in lieu of traditional booking and incarceration in the Monterey County Jail.

340.2 POLICY

It is the policy of the Pacific Grove Police Department to utilize the sobering center for those individuals who meet the criteria set forth in this policy through legal and appropriate use of the Sobering Center.

340.3 PLACEMENT REQUIREMENTS

The Sobering Center is designed to accept law enforcement referrals for individuals arrested for public intoxication (647F of the California Penal Code) and offenders arrested for 23152 of the California Vehicle Code, and who are non-violent and who have no other charges.

340.3.1 DIVERSION CRITERIA

Eligibility Requirement:

1. Arrestee must agree to placement at the Sobering Center.
2. Registered sex offenders cannot be placed at the Center.
3. Arrestee must be at least 18 years of age or older.
4. Must be non-combative and agreeable.
5. Have a measurable BAC.
6. Be verbally responsive and able to communicate.
7. Must not have any severe medical conditions or medical issue that requires immediate attention.
8. Referrals to the program must come from law enforcement only (no self-referrals or walk-ins).

340.4 PLACEMENT PROCEDURES

Officers Shall:

1. Inquire if the individual in-custody agrees to placement at the Sobering Center. If yes, proceed with placement. If they refuse book them into Monterey County Jail.
2. Telephone the Sobering Center directly or if necessary have County Communications contact the Sobering Center to ascertain if there is room for the individual in custody (Telephone No. (831) 272-3983).

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3. Transport the individual in-custody to the Sobering Center, located at 119 Capitol Street in the City of Salinas.
4. In the case of a DUI arrest, cite and release the in-custody and turn the individual in-custody over to Sobering Center staff. For public intoxication arrests, 849b release the individual and turn them over to the Sobering Center staff. In all cases a report will be written to document the arrest and subsequent placement of the person at the Sobering Center.
5. Obtain a copy of the Sobering Center's "Initial Contact Sheet – Sobering Center" for attachment to your report.

340.6 DOCUMENTATION

The officer shall complete all reports as required for PC 647f (Public Intoxication) or VC 23152 (DUI). Reports shall note:

1. The suspect was released to the Sunset Center Sobering Center.
2. The suspect agreed to placement at the Sobering Center.
3. Include a copy of the Sobering Center "Initial Contact Sheet–Sobering Center" for attachment to your report.

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Chaplains

341.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Pacific Grove Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public. The Pacific Grove Police Department recognizes the influence and impact that faith based leaders have in people's lives within the community.This general order formally recognizes a partnership with the various faith-based leaders of the community to respond and assist police officers with providing an overall better quality of service to the residents of Pacific Grove.

341.2 POLICY

The Pacific Grove Police Department shall ensure that Department Chaplains are properly appointed, trained, and supervised to carry out their responsibilities without financial compensation.

341.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for Department personnel when dealing with the public in such incidents as death notifications, accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other Chaplain programs and the Department.

(c) By providing counseling, spiritual guidance, and insight for Department personnel and their families.

(d) By being alert to the spiritual and emotional needs of Department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

341.4 ELIGIBILITY REQUIREMENTS

The Chief of Police shall have the final authority on the appointment of a Police Chaplain to the Police Chaplain Program. The following are the minimum qualifications required for consideration as a Police Chaplain:

1. The Police Chaplain must possess a valid California driver's license;
2. Maintain high spiritual and moral standards;
3. Never have been convicted of a criminal offense involving moral turpitude;
4. Not be currently under indictment, on bail pending court, parole, probation, or in any way be associated with any current criminal court proceedings as a potential defendant;

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5. Willing andable to respond to situations where the presence of a Chaplain is requested;
6. Must not be supporting or involved in any questionable activity or subversive activity against the governments of the United States or the State of California or the City of Pacific Grove;
7. Able to demonstrate compassion, understanding and love for fellow humans and be tactful and considerate in their approach to all people regardless of race, creed or religion; and,
8. In relative good health, capable of performing any physical demands that may be bestowed up them.
9. Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
10. Must have at least five years of successful ministry experience within a recognized church or religious denomination.

Those who wish to apply for the position of chaplain will send a letter of interest to the Chief of Police and include the following;

1. The written application form issued by the Pacific Grove Police Department, which includes minimally:
2. Background information;
3. Ride-along application and waiver.

The Police Chaplain Coordinator (assigned by the Chief of Police) will review all submitted documents and applications, coordinate with the Commander to conduct a background investigation and advise the Chief of Police once the process is completed.

341.5 RECRUITMENT, SELECTION AND APPOINTMENT

The Pacific Grove Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department. All applicants shall be required to meet and pass pre-employment background before appointment. The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

341.5.1 SELECTION AND APPOINTMENT

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Submit appropriate application(s).

(b) Provide a recommendation letter from their house of worship elders, board, or council.

(c) Successfully complete an appropriate level background investigation.

(d) Interview with the Chief of Police and Chaplain Coordinator.

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(e) Complete an appropriate probationary period as designated by the Chief of Police.

Members of the Chaplain Program are selected and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment and serve as volunteers. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

341.6 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Chaplains will be provided with two collared shirts, one long sleeve and one short sleeve, one pair of black cargo pants, and necessary safety equipment. Identification symbols worn by chaplains shall be different and distinct from those worn by Officers through the inclusion of "Chaplain" on the items provided and not reflect any religious affiliation.

Chaplains will be issued Pacific Grove Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Pacific Grove Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued items or department property (including identification cards) at the termination of service.

341.7 CHAPLAIN COORDINATOR

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

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities with the approval of the Chief of Police.

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

(a) Recruiting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain call-out roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

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(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

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

341.8 DUTIES AND RESPONSIBILITIES

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

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

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

341.8.1 COMPLIANCE

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

341.8.1 CHAPLAIN MEETINGS

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

341.8.2 OPERATIONAL GUIDELINES

(a) Chaplains shall be permitted to ride with officers during any shift and observe Pacific Grove Police Department operations, provided a completed a ride-along form is on file with the Department, the Watch Commander has been notified and approved of the activity.

1. The chaplain shall only act when called upon by the officer with whom the chaplain is working, or by some other officer at the scene of an incident.

2. If the chaplain is present when a prisoner is being transported, the chaplain shall secure from duty or ride with another officer if it is operationally feasible.

(b) Chaplains shall not be evaluators of members of the Department.

(c) Chaplains are not Law Enforcement Officers. In responding to incidents, a chaplain shall never function as an officer. They shall assist the Law Enforcement Officers and be under the Officer’s jurisdiction at all times.

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(d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe. Appropriate measures should be taken to not expose Chaplains to danger.

(e) Chaplains shall come to the aid of an officer in trouble; as such action is expected of any private citizen.

(f) Chaplains shall serve only within the jurisdiction of Pacific Grove unless otherwise authorized by the Chief of Police or his/her designee.

(g) Chaplains will be scheduled to be on-call for a period of time deemed appropriate by the chaplain coordinator based on chaplain availability.

(h) Department Chaplains shall not publicly criticize the actions of any law enforcement Officer, Department official, fellow Chaplain, or departmental policy or action. Any Chaplain having a grievance or other issue should utilize the chain of command beginning with the Chaplain Coordinator.

(i) Chaplains shall not release any information regarding any incident, investigation, policy or practice to anyone outside the Pacific Grove Police Department without expressed prior authorization from the Operations Commander or his/her designee. All information obtained by a Chaplain as a result of their relationship with the Pacific Grove Police Department is expected to be held in strict confidence.

(j) When an Pacific Grove Police Department Chaplain wishes to discontinue his/her service, a formal letter shall be submitted to the Police Chief.Upon severance form the Department, all forms of identification and department equipment must be returned to the Chaplain Coordinator.

341.9 PRIVILEGED COMMUNICATIONS

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

Department Chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource. Except as otherwise specified, matters of a personal nature that are part of a penitential communication and are discussed between a chaplain and penitent shall remain private and confidential (Penal Code § 11166 (d)(1)). Members of the clergy are not required to reveal penitential communications.

(a) Clergy must report child, elder or dependent adult abuse discovered while acting in any capacity other than during a penitential communication, whether on-duty at the police department or not.

(b) Supervision should not expect chaplains to violate the confidence in penitential communications.

(c) The role of chaplain is to be held in the strictest form of confidentiality, except under the following situations:

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1. When any PGPD employee is believed to be under the influence of any narcotic, drug or alcoholic beverage.
2. When a suspect is in custody and makes an unsolicited spontaneous utterance.

(d) A suspect should not be encouraged by a chaplain or officer to speak to a chaplain.

(e) Any statement made by a suspect to a chaplain while being detained or while in-custody cannot be considered confidential and therefore is subject to discovery and any such statement can be used against the suspect in a court of law.

No chaplain shall provide counsel to or receive confidential communications from any Pacific Grove Police Department employees concerning a police related incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

341.9.1 ASSISTING THE DEPARTMENT

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

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating during in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

341.9.2 ASSISTING THE COMMUNITY

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

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other Chaplains and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

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341.9.3 POLICE CHAPLAIN ON-CALL PROCEDURE

(a) **Roster of Personnel -** A roster shall be maintained in the Watch Commander's office which lists the following:

1. Each Chaplain's name
2. Home church affiliation and faith denomination
3. Contact telephone number

(b) **Rotation Schedule -** A regular pre-planned on-call rotation schedule will be in use. It will be the responsibility of the Chaplain Coordinator or his/her designee to organize and maintain the schedule.

1. On-call rotations are one week long, from Sunday through Monday, unless a longer length of time is agreed upon by the Chaplain and Chaplain Coordinator.

(c) **On-Call Chaplain -** If the officer/employee has no preference of a Chaplain, the supervisor should consult the pre-planned on-call rotation schedule and contact the Chaplain who is currently on-call. If the on-call Chaplain is not available, the next Chaplain in order shall be contacted.

341.10 ASSISTING DEPARTMENT MEMBERS

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

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

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

341.11 TRAINING

The Department requires Chaplains to attend an orientation held by the Chaplain Coordinator. This orientation will cover Department protocols and Chaplain responsibilities. Chaplains are also required to complete basic Chaplain training and ongoing development.

The Department will establish a minimum number of training hours and standards for Chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, substance abuse, suicide, officer injury or death, sensitivity and diversity, workplace harassment, and any other areas as approved by the Training Supervisor. Any absences must be satisfactorily explained to the Chaplain Coordinator or designee.

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Native American Graves Protection and Repatriation

342.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

342.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

342.2 POLICY

It is the policy of the Pacific Grove Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

342.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

342.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Gun Violence Restraining Orders

343.1 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).

343.1.1 DEFINITIONS

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).

343.2 POLICY

It is the policy of the Pacific Grove Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

343.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140; Penal Code § 18145).

343.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

343.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

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.

343.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Records Section for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

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343.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

343.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(d) 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).

343.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

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(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.

343.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

343.9 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

343.10 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police has appointed the Records Supervisor to serve as the gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department 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.

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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.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by 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).

343.11 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Patrol 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).

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343.12 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and ensure intra-organizational cooperation and information sharing.

400.2 POLICY

The Pacific Grove 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 Pacific Grove. 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 24 hours per day seven days per week..

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.

(j) Routine patrol by foot, bicycle, motorcycle or vehicle.

(k) Providing assistance during major emergencies or disasters.

400.3.1 TERRORISM

It is the goal of the Pacific Grove Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor and Operations Commander as soon as practicable

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of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Operations Commander in a timely fashion.

400.3.2 PATROL RESPONSIBILITY
The supervisor shall be responsible for relieving his/her team when appropriate. The Patrol team deployed in the field will be responsible for the Department's patrol function. Personnel shall work the full tour of duty until properly relieved.

400.3.3 PATROL BEATS
Patrol beats will be determined by the Watch Commander, with approval from the Chief of Police.

400.3.4 PATROL AREA ACCOUNTABILITY
Personnel are responsible for providing appropriate police services within their assigned area. Personnel may leave their assigned area when handling department business and non-department business only when authorized by a supervisor or the provisions of this Policy Manual.

400.4 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Pacific Grove Police Department.

400.4.1 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.4.2 PATROL BRIEFINGS
Prior to deploying officers in the field, a briefing session will be conducted. Supervisors, officers and other personnel of the on-coming watch shall attend the briefing session. Personnel assigned to uniform duty shall attend briefing in the proper uniform of the day, be punctual, and be properly equipped for duty.

During briefing, information regarding Department Orders and Directives and prior Shift Notes that affect patrol functions and information regarding criminal activity shall be provided. Personnel not present for the briefing(s) on their regularly assigned shift should contact a supervisor to obtain prior briefing information.

Patrol supervisors are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Roll Call Briefings as time permits.

Personnel attending the briefing shall remain cognizant of the intelligence and operational information disseminated during the course of each briefing session. Officers are responsible for the information disseminated during briefing and shall keep written notes for future reference.

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400.4.3 INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the squad room and will be available for review by all officers. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

400.4.4 BULLETIN BOARDS
A bulletin board will be kept in the briefing room and the Investigations Bureau for display of suspect information, intelligence reports and photographs. Department Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Department Directives will be placed on the briefing room clipboard.

400.4.5 WATCH COMMANDER RESPONSIBILITIES
The Watch Commander and on-coming supervisory personnel shall assemble in sufficient time prior to roll call to gather material and information to be presented to the on-duty personnel and are responsible for conducting the briefing session.

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. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.6 VEHICLE ASSIGNMENTS

Marked vehicles assigned to the Patrol Section are primarily designed for use in carrying out the Department's patrol function. Patrol Section vehicles shall only be used for the necessary business activities of the Pacific Grove Police Department. The on-coming supervisor shall be responsible for assigning vehicles for the on-coming watch. All vehicle assignments are to be documented on Shift Notes in the appropriate form. Also refer to Policies Vehicle Maintenance, and Vehicle Use.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to insure that employees of the Pacific Grove Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

The Pacific Grove 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.

401.4 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.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, In-Car Computer (In-Car Computer) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Each year, the Patrol Operations Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

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

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(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher annually in order to keep current with changing racial, identity and cultural trends, and legal aspects. (Penal Code § 13519.4(i)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

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Roll Call Training

402.1 PURPOSE AND SCOPE

Roll Call Briefing training is generally conducted at the beginning of the officer's assigned shift. Roll Call Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call Briefing; however officers may conduct Roll Call Briefing for training purposes with supervisor approval.

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

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

(f) Inspection of personnel, vehicles, and equipment.

402.2 PREPARATION OF MATERIALS

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

402.2.1 ROLL CALL INFORMATION

Personnel that were not present for Roll Call on their regularly assigned shift should contact a supervisor to obtain prior briefing information.

Personnel attending Roll Call shall remain cognizant of the intelligence and operational information disseminated during the course of each briefing session. Officers are responsible for the information disseminated during Roll Call and shall keep written notes for future reference.

402.3 RETENTION OF ROLL CALL BRIEFING TRAINING RECORDS

Roll Call Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

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All Hazards Plan/Emergency Management Plan

403.1 PURPOSE AND SCOPE

The purpose of this policy is to enhance the effective delivery of emergency services in Pacific Grove through the employment of a uniform incident management system for law enforcement, fire and emergency medical services operating at a common incident. To provide guidance to Department staff regarding response considerations when the Incident Command System (ICS) is utilized during field response to critical incidents. This policy augments and provides supplemental considerations regarding natural and man-made disasters, civil disturbances, pandemics and as a supplement to the City's and other critical incidents that are not discussed in other Department orders, policies, or procedures.

403.2 POLICY

It is the policy of the Pacific Grove Police Department to utilize the incident command system (hereinafter ICS), which establishes standardized incident management processes, protocols and procedures that all responders can use to coordinate and conduct response actions. It is intended to begin developing from the time an incident begins until the requirement for on-scene management and operations no longer exists. The structure of ICS can be established and expanded depending upon the changing conditions of an incident. It can be staffed and operated by qualified personnel from any support agency and very often will involve personnel from a variety of agencies.

It shall further be the policy of this Department to respond to planned and unplanned events, disasters or emergencies that occur within the City of Pacific Grove, or when requested in a professional and informed manner utilizing ICS as incorporated in both California's Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). The Department's objective will be the restoration of pre-incident law enforcement status to the affected area(s) and to provide for the protection of life and property during a disaster.

403.3 DEFINITIONS

Emergency Situation: An actual or potential condition that poses an immediate threat to life or property.

Critical Incidents: Situations, generally of an emergency nature, that result from disaster, both natural and man-made, that include civil disturbances, earthquakes, floods, pandemics, explosions, riots, disorders, violence from dissident gatherings and marches, rock concerts, political conventions, labor disputes, active threats and terrorist activities.

Exercise: Gathering of individuals inclusive of government and private sector persons, to develop plans, practice simulated implementation, and to discuss each agency's role in handling critical incidents. This could include table top, functional, and/or full field exercises.

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Incident Commander: The designated Department member in charge at a field command post during an emergency or critical incidents. Incident Commanders may also be referred to as the Officer-in-Charge.

Incident Command System (ICS): A system for command, control, and coordination of a response that provides a means to coordinate the efforts of individual persons and agencies as they work toward the common goal of stabilizing an incident while protecting life, property, and environment. There are five major components: command, operation, planning, logistics, and finance & administration.

National Incident Management System (NIMS): A comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across all functional disciplines.

Standardized Emergency Management System (SEMS): An organizational framework and guidance for emergency operations at each level of the State's emergency management system. Provides the umbrella under which all response agencies may function in an integrated fashion. Required by the State of California for managing response to multi-agency and multi-jurisdiction emergencies.

Unified Command: A procedure used at incidents that allows all agencies with geographical, legal or functional responsibility to establish a common set of incident objectives and strategies, and a single Incident Action Plan. Unified Command procedures assure agencies they do not lose their individual responsibility, authority, or accountability.

403.4 ACTIVATION/RECALL OF PERSONNEL/RESPONSIBLE FOR PLANNING

The Emergency Management Plan can be activated on the order of the official designated by local ordinance. The Emergency Management Plan is maintained and edited by the Fire Chief on an annual basis. The Emergency Management Plan can be activated on the order of the Emergency Operations Center (EOC) Director, the Chief of Police, the Operations Commander, or a highest ranking official on duty in response to a major emergency or critical incident. A major emergency is defined as an incident that exceeds the capabilities or resources of the Department at hand or available at that time. Other Departments, such as Fire or Public Works may activate the Emergency Management Plan. Upon activation all members of the police department called upon are required to support the response to an emergency.

In the event that the Emergency Management Plan is activated, all employees of the Pacific Grove 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.

The Operations Commander or a designee made by the Chief of Police shall have primary responsibility for coordinating and planning of the Department's response to any major incidents and perform the duties as Incident Commander. The Operations Commander shall be responsible for coordinating the annual review and update of the agency's major incident planning.

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403.5 PRACTICAL APPLICATION OF ICS

(a) The configuration of ICS provides a dynamic command structure for unusual incidents, spontaneous or pre-planned, and supervisors and commanders must evaluate its potential utilization in specific incidents.

(b) Unless extenuating circumstances exist, ICS shall be utilized for the following types of incidents:

  (a) Natural and man-made disasters

  (b) Civil unrest

  (c) Hazardous materials incidents

  (d) Explosions/bombings

  (e) Mass arrest incidents

  (f) Mass casualty incidents

  (g) Major transit incidents

  (h) Evacuations

  (i) Hostage barricade incidents

  (j) Large scale special events (i.e., parades, fireworks, etc.)

  (k) Pandemic

  (l) Terrorism

(c) Generally, ICS should also be implemented when any of the following criteria are present:

  (a) A large-scale event that will require an organized and coordinated response.

  (b) The need to coordinate the response of multiple officers or units that do not normally work together.

  (c) The need to assign multiple supervisors to a single event.

  (d) The participation of multiple agencies in a single event.

(d) In situations involving a “single command” where there are no overlapping responsibilities or jurisdictional boundaries, the highest-ranking member present shall determine if ICS shall be utilized.

  (a) When the decision has been made to utilize ICS, the incident commander shall notify central communications that he/she has assumed the responsibility of “incident commander”. This notification shall occur over police radio so that all personnel involved in the incident are aware of the identity of the incident commander.

  (b) Staffing and resources will be determined by the requirements of the incident at hand. All requests will be made through the incident commander.

(e) In situations involving “unified command” where more than agency or jurisdiction is involved, management responsibility for the incident shall be shared.

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(a) For large scale or serious incidents where one (1) incident commander is needed, the agency with the greater responsibility to control the incident will designate the incident commander.

(b) In situations where the Office of Emergency Management has been activated, the Emergency Management Coordinator shall serve as the incident commander.

(c) When the decision has been made to utilize ICS, the designated incident commander from each agency or department involved shall announce to their primary dispatch points that he/she has assumed responsibility of incident commander.

(d) This announcement shall be made over radio so that all personnel operating at the incident are aware of the identity of the incident commander.

(e) Under this type of command, the leaders of each agency or department will coordinate the operation together.

(f) Staffing and resources will be decided based on the needs of the incident.

(f) Staffing

(a) In addition to the incident commander, other functions may be staffed based upon the incident commander's needs relative to the incident.

(b) The five (5) staffing functions are as follows:

(a) Incident Commander

(b) Operations

(c) Planning

(d) Logistics

(e) Finance

(c) The three (3) command staff positions are as follows:

(a) Safety Officer

(b) Liaison officer

(c) Public Information Officer

(g) If the incident requires a command post to perform the management function, the incident commander or ranking supervisor will announce to central communications that a command post has been established, including the command post designation and its exact location.

(a) Informal Command post – If the incident only necessitates an informal command post, then the incident commander or ranking supervisor shall utilize his/her police vehicle for such activity.

(b) If the police vehicle cannot accommodate the task, the incident commander may utilize whatever resources are available to him/her at the time.

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(c) If the incident involves unified command, each agency's/department's incident commander shall park their respective vehicles close together to facilitate communications or utilize portable radios while traversing the scene together.

(d) Formal Command post – If the incident commander determines that the resources only available in a formal command post are necessary for the incident at hand, the incident commander shall make appropriate arrangements based on the circumstances.

(e) Unless otherwise ordered, all communications regarding an incident shall be directed to the incident commander.

403.6 NATURAL/MAN-MADE DISASTERS

(a) The on-duty patrol supervisor shall be responsible for the initial response to an emergency from available personnel. They shall immediately, or as soon as practical, notify the Chief of Police and Operations Commander and request additional staff as needed.

(b) Radio communication shall be conducted through the Monterey County Communications Center. If the primary emergency center is not usable, the County Office of Emergency Services will be responsible for the implementation of a secondary Emergency Communications Center.

(c) The Incident Commander (IC) or their designee, should create a situation map defining the geographical area of the emergency.

(d) Certain emergencies may require the establishment of Field Command Posts The selection of locations for the posts depends on the type and location of the emergency. Existing governmental facilities/buildings may be suitable locations if they are sufficiently close to the emergency and have the necessary physical resources. Necessary physical resources include:

1. Toilet facilities
2. Telephones
3. Electricity
4. Kitchen Facilities (desirable)
5. Office Space
6. Multi-Purpose area

(e) Casualty information needs to be centralized when possible. Victims' names and the extent of injuries need to be available. The Incident Commander will coordinate an effort between the various responding agencies to fully assess the severity of the emergency. The EOC may be the best location to coordinate casualty figures and in conjunction with the ICS plan, the press information officer shall handle communication with the media. Only the Coroners' Office releases information relating to fatalities.

(f) The Chief of Police, or their designee, is responsible for the community relations function during natural disasters including all press releases.

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(g) The Incident Commander, or their designee, may request for "mutual aid", as necessary. Any request for a mutual aid call out shall be approved by the Chief of Police, or their designee, prior to making contact with the mutual aid agencies. In the event an incident requires mutual aid, Supervisors and Command staff must also be familiar with the Office of Emergency Services Procedures. When a request is made, the following information shall be provided at a minimum:

(a) The name and title of the individual making the request

(b) A description of the disaster

(c) A statement of the action taken

(d) An estimate of the number of persons involved

(e) A statement concerning the number of law enforcement officers available and committed

(f) An explanation about why the existing force is inadequate

(g) A location of the staging area for resources

(h) The Incident Commander will designate a safety officer for the scene and Command Post. The safety officer's primary duties are to insure the safety of all affected personnel.

(i) The Incident Commander, or the person assigned by the Chief of Police to handle the media, will perform the role as Public Information Officer (PIO) and must have full access to the facts of the emergency and provide the necessary information to the public through the media. Information that is factual helps to reduce rumors and support media relations.

(j) Personnel complete necessary reports throughout the emergency as much as possible. Supervisors should assure all necessary paperwork their personnel submit is reviewed. The Operations Commander prepares a synopsis of the incident for an After Action report and administrative review to be forwarded to the Chief of Police.

403.7 CHAIN OF COMMAND

The Chain of Command is established through the normal course of business within the Department. At the scene of a critical incident, the Incident Commander will be the most senior officer or supervisor on scene until relieved by a more senior supervisor or member of the Pacific Grove Police Department Command Staff. Designated supervisory staff shall coordinate employees and, if the incident is a mutual aid request, accept assignment from the Incident Commander. All employees committed to mutual aid shall remain under the control of the Police Department.

Chief of Police: Maintains overall responsibility for and command of any law enforcement critical incident response.

Operations Commander : Provides command over the units responsible for providing critical support during a crisis. These units include, but are not limited to: SWAT; Crisis Negotiations; Traffic Unit; etc. In the absence of the Deputy Police Chief.

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Incident Commander: A command level officer designated as the On-Scene Commander during an operation. The Incident Commander is responsible for directing the operation.

Public Information Officer (PIO): A designated individual who has overall responsibility for the coordination of public information efforts during an operation. The PIO assignment is usually filled by the Operations Commander. In the absence of the Operations Commander a trained alternate, familiar with the Department's public information policies and procedures, shall be assigned to fill the position. When more than one PIO is present or a unified Public Information Center is established, a lead PIO will be designated.

Tactical Response Unit Commander: A command level or supervisory officer who has overall responsibility for the SRU Team's operations and tactics. The SRU Commander reports to the Operations Commander or Incident Commander during a deployment.

403.8 POLICE DEPARTMENT RESPONSIBILITIES

The City will provide a plan for a strategic response by all employees and assigns specific responsibilities in an emergency situation or any major incidents. The Department will:

(a) Review its Emergency Response Plan annually and update policy and procedures as required;

(b) Meet with the City Emergency Management Coordinator to review the Police Department plan;

(c) Train department personnel regarding emergency operations as necessary;

(d) Document annual review of policy and training needs.

OPERATIONS FUNCTION RESPONSIBILITIES

The Operations Commander or person designated by the Chief of Police will command the Operations function and will report to the Chief. The Operations Function will be responsible for the following.

(a) Establish inner and outer perimeters. The Incident Commander or field supervisor, using available responding units, shall establish both inner and outer perimeters for the scene.

(b) Delegating personnel to conduct evacuations if necessary. As soon as practical the Incident Commander or field supervisor will direct personnel to conduct evacuations (victims, bystanders, injured persons) if the situation dictates.

(c) Maintaining Command Post and scene security as soon as practical, the Incident Commander or field supervisor will designate an officer(s) to maintain security of the immediate area surrounding the Command Post and scene security of the affected area or areas.

(d) Providing for detainee transportation, processing and confinement. As the need dictates the Incident Commander or field supervisor will arrange for transportation and confinement of detainees until they can be interviewed and processed. All other persons being transported shall be transported in accordance with department policy.

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(e) Conduct a post-incident investigation

(f) Security patrols of the various public facilities and other business areas are necessary to discourage looting and offer a measure of protection. The Operations Commander or his designee assigns officers as response units to handle emergency calls and offer some semblance of visual deterrent.

(g) The Operations Commander may also assign traffic control units to direct traffic away from the area, if necessary. Traffic control units allow only those persons having to enter the emergency area and ensure that access routes are open for emergency personnel.

(h) Resources are available from multiple sources to help with cleaning up, after a disaster. Limited equipment and personnel are available through the Fire Department, Public Works and the City's Engineer's Office.

(i) Once the immediate emergency is under control, the Incident Commander, or their designee, may consider allowing limited access to the emergency area. They may consider using the media to make announcements of the changing conditions and special requests from those in command. Additionally, the Office of Emergency Services can activate the Emergency Broadcast System to inform the public of pertinent information.

(j) During the aftermath of a disaster, the Incident Commander assigns personnel to ensure the following actions are taken:

1. Resupply expended materials and repair damaged equipment.
2. Replace lost or missing equipment.
3. Resume normal patrol measures in all areas.
4. Send appropriate correspondence to assisting agencies and other persons.
5. Prepare a critique of the total handling of the emergency.
6. Prepare any plans that need updating.
7. Complete necessary reports.

(k) The scale and the nature of an emergency may demand movement of persons in varying numbers. If several persons need transport, buses are available through the Pacific Grove Unified School District and the Office of Emergency Services. Government vehicles are available when limited movements of emergency personnel are necessary.

PLANNING FUNCTION RESPONSIBILITIES

(a) Preparing a documented Incident Action Plan (IAP). For all planned critical incidents, an IAP, including but not limited to, a Monterey Peninsula Special Response Unit Operation Plan and the High Risk Matrix provided by the Monterey Peninsula Special Response Unit should they be activated for an event.

(b) Gathering and disseminating information and intelligence. Every effort should be made to gather and disseminate all available information and intelligence relating to the scene, facts of the incident, and subjects involved, to applicable police personnel.

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Maps of all apartment complexes as well as schools are maintained in a Locater Map Book that shall be maintained and updated by city personnel.

(c) Participate in a Continuity of Operation Plan (COOP), to ensure continuation of essential agency functions throughout the duration of the emergency.

(d) Planning post-incident demobilization. Survey the affected area and determine the continued need for police personnel at the scene. As the situation allows, and with the concurrence of the EOC, if activated, assess the amount of personnel and equipment at the scene and determine when and how much to reduce them. Overall police involvement should continue until the incident is brought to a conclusion. Prior to securing, all involved employees shall report to the Command Post for debriefing.

LOGISTICS FUNCTION RESPONSIBILITIES

(a) Communications. The Watch Commander or their designee shall be responsible for maintaining communications contact with the Incident Commander (through radio, telephone and/or personal contact) and may assign someone to serve as a liaison under the Incident Command System. The use of emergency communications including the mobile command post, the emergency operations center shall be coordinated by PGPD.

(b) Transportation. The Logistics Officer at the Command Post will arrange transportation of personnel and equipment to the incident scene. There will be a designated staging area established to facilitate the orderly dispersal of personnel and equipment. In the event mass transportation is needed away from the area affected by the incident, the Logistics Officer or designee will contact the following, to determine if, and to what extent, service can be provided by other modes of public transportation.

(c) Medical support. The Logistics Officer at the Command Post will be responsible for securing medical assistance, as each situation dictates. The Logistics Officer will notify ambulance and fire services that an emergency situation exists. They may be requested to respond or stand by near the scene.

(d) Supplies. Supplies necessary for the successful execution of any operational plan will be secured by the logistics personnel and made available to all department personnel.

(e) Specialized team and equipment needs. For those special operations such as a hostage and barricaded subject emergencies, Monterey Peninsula SRU team situations where a special team is required, civil disturbances, emergencies at jail institutions where a mutual aid request has been asked for and mass arrest situations, the Department shall rely on the Monterey Peninsula SRU and department personnel to provide specially trained personnel to handle the incident. Equipment necessary for the successful execution of any operational plan will be made available to all department personnel. Supervisors will be responsible for ensuring that all equipment issued during the event is turned in and accounted for before they are relieved from duty.

FINANCE/ADMINISTRATION FUNCTION RESPONSIBILITIES

(a) Recording personnel time. Each supervisor is responsible for keeping a record of all personnel assigned to their unit. These records will contain the event complete with

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the names of all employees, assignments, and the dates, times, and hours worked. This information will be submitted to the Incident Commander.

(b) Procuring additional resources. Each supervisor is responsible for preparing a report that includes recommendations for procurement of additional resources. This report will be submitted to the Incident Commander

(c) Recording expenses. Each supervisor is responsible for keeping a record of all expenses. These records will contain the date, type of expense and any receipts, if applicable. This information will be submitted to the Incident Commander.

(d) Documenting injuries and liability issues. Each supervisor will document all injuries or liability issues. This report will be submitted to the Incident Commander.

(e) Preparing appropriate reimbursement documents, if necessary.

403.8.1 <DIV>DURING DISASTER</DIV>

The Police Department shares operations responsibilities with the City of Monterey and the Pacific Grove Public Works Department. The Chief of Police, or the Operations Commander, is responsible for planning and coordination of all law enforcement related critical incidents. Specifically, the responsibilities assigned to the Police Department in the City Emergency Plan are:

(a) Provide security for facilities and resources;

(b) Enforce laws, rules, and regulations;

(c) Enforce vehicular traffic laws and regulations;

(d) Establish alternate routes;

(e) Provide surveillance and intelligence;

(f) Assist in light rescue;

(g) Assist with medical response;

(h) Maintain liaison with the Coroner; and

(i) Provide for evacuation, as necessary.

403.8.2 POST-DISASTER

The Department will:

(a) Coordinate demobilization of law enforcement resources:

(b) Survey the affected areas and determine the continued need for police personnel at the scene;

(c) Assess the number of personnel and equipment at the scene and determine when and how much to reduce them;

(d) Ensure that all personnel and equipment are accounted for;

(e) Ensure that all involved personnel report to the field command post for debriefing before leaving the scene.

1. Assist affected neighborhoods with special law-enforcement needs;

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2. Provide the City Manager with an incident critique. The Commander/Incident Commander will prepare a documented after action report, per incident, detailing all aspects of the operation including analysis and recommendations for future events, to include logs, reports, recommendations for change, deletions, and/ or updates to any City, or Department policy. The after action reports will be forwarded to the Chief of Police and a copy sent to the Accreditation Manager;
3. Provide the Chief of Police with a financial summary of Police Department expenditures.

403.9 EMERGENCY OPERATIONS

An emergency of a large magnitude will necessitate the activation of the City Emergency Operations Center (EOC). The Emergency Operations Center is activated at the direction of the City Manager, the Chief of Police, the Director of Public Works or their designee.

The EOC is located in the Monterey Fire Department Briefing Room, and is where the EOC staff directed by the City Manager, Department Directors, and their assistants gather to exercise management and control functions related to the incident. The Police Chief may recommend an alternate EOC location if the emergency or threat is in the vicinity of the primary EOC.

(a) Primary Location: The Emergency Operations Center (EOC) is located in the Monterey Fire Department Briefing Room, 600 Pine Ave., Pacific Grove.

(b) Alternate Location: The alternate site is located at Pacific Grove City Council building located at 300 Forest Ave., Pacific Grove.

403.10 CIVIL DISTURBANCES

The Pacific Grove Police Department strives to preserve order and to protect persons and property through available resources and by taking the appropriate actions to accomplish the return of order. To the best of its ability the Police Department attempts to:

(a) Protect lives of all persons.

(b) Preserve the peace and decrease the likelihood of disorder when dealing with potentially disruptive situations. There are two questions that enforcement personnel must ask themselves during this type of situation. One is, would my taking enforcement actions increase or decrease the likelihood of disorder. The other is, would my failure to take an enforcement action increase the likelihood of disorder.

(c) Protect property. Enforcement personnel must protect property and apprehend persons violating property laws when it is reasonable to do so.

(d) The first officer(s) arriving at a scene involving a disorderly or riotous group should use the following suggestions as a guide:

1. Take up an observation post rather than pulling into the direct area of the disorderly group.
2. Notify the communications center of the following information, if it applies:
   i. Size of the group

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ii. Nature and number of participants, as opposed to observers.

iii. If the group is moving, their point of origin and their likely destination.

iv. Approximate age of participants.

v. Attitude of the crowd and the participants.

vi. Nature of area (e.g., business, school, residential area).

(e) If the group does not appear to pose a serious threat to the officer(s) safety, the responding officer(s) may make contact with the group in an attempt to resolve the call peacefully. The officer(s) must advise the communications center and a supervisor of the situation.

(f) If the group's involvement in violence or destructive behavior is beyond the immediate capability of the responding officer(s) they should request additional assistance via the Communications Center. The officer(s) must be specific about the number of personnel they believes necessary, and refrain from contact with the group until assistance arrives.

(g) A supervisor responds to situations that appear to offer potential for violence or destruction. The supervisor coordinates, as necessary, the officers on the scene and any additional calls for assistance. This includes requesting an activation of the mutual aid agreement.

(h) Upon arrival, the supervisor confers with officers, observes the situation and weighs the effects of enforcement action considering the following:

1. The Potential for Disorder
2. The Safety of Personnel
3. The Severity of the Law Violations
4. The Resources Available

(i) Preserving the peace may require the supervisor to weigh minor law violations against the probability of provoking greater disorder. In reviewing the situation, the supervisor should consider the following responses:

- Communicate with the participants to attempt to reach a nonviolent conclusion through cooperation. This needs to be done in a way that is not threatening.
- Selectively arresting law violators, using the minimum number of personnel necessary to prevent attracting undue attention.
- Withdrawal from the immediate scene when resources are not available to effectively handle the problem until adequate assistance is on the scene. Where a major situation develops beyond control of on-duty resources, the supervisor notifies the Monterey Peninsula Special Response Unit immediately.

(a) When the patrol supervisor arrives at the scene of a situation that requires crowd control and possible arrest of large numbers, they will do the following, while concurrently keeping the Incident Command Officers informed of the state of the incident and the response(s) they take in directing the event:

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1. Refer to the Department's Policy on Arrests.
2. Establishes a secure perimeter for crowd control. Notifies the Incident Commander, or their designee, of the incident. The Commander shall immediately inform the Chief of Police of the incident.
3. Chooses a location away and out of sight of the problem area as a staging area and notifies the Communications Center of the location. The supervisor assigns an officer to the staging area and instructs him to establish and maintain a log. The log must show personnel names, assignments and times of arrival at the situation.
4. Requests that a supervisor secure supplies (restraints, paper work and other supplies as needed), and then report to the staging area. The supervisor then directs a supervisor to the staging area who shall then coordinate prisoner processing.
5. Instructs the Communications Center to call the Fire Department and request they respond to the staging area to stand by or render aid to persons with injuries.
6. Places extra on-duty personnel on alert or orders the Communications Center to call in extra on duty personnel, including any available K9 units from outside the department. Extra personnel are to report to the staging area for assignment.
7. Orders transport vehicles to report to the staging area. If necessary, the patrol supervisor requests transportation assistance via mutual aid.
8. Establishes a second perimeter to keep all uninvolved persons away from the area.
9. Orders the immediate removal of prisoners from the core, to the staging area, for processing and transportation to the County Jail. Transport officers are to return to the staging area after each run to the County Jail.
10. Commands the situation until a higher-ranking officer relieves him of those duties.
11. Requests the clearance of a radio frequency for use at the emergency.

403.11 EMERGENCY MOBILIZATION/DEMOBILIZATION

(a) When the mobilization of an Office or an entire Department mobilization is necessary, personnel follow these guidelines in the call up of off duty personnel. The coordination and organizational structure of the mobilization shall be consistent with the State Fire Marshall's ICS methodology. Key personnel designations, management control measures and event critiques shall be constructed consistent with the ICS plan.

(b) On duty Communications Center personnel shall be responsible for radio communication for the duration of any mobilization incident. When a mobilization seems necessary to appropriately respond to an incident, the on duty supervisor shall contact the following personnel and initiate the outlined actions:

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(a) Chief of Police shall inform them of the situation and request authorization for a Department wide mobilization. If the Chief of Police is not available, the Operations Commander shall coordinate contact and approval.

(b) A staff level supervisor (Watch Commander) shall be appointed as the Incident Commander (IC) by the Chief Of Police. They shall be responsible for the coordination and facilitation of the subsequent call out process, to include the distribution of required equipment. The IC will most often be the Operations Commander.

(c) A preliminary decision regarding the number of officers and support personnel needed to meet the needs of the incident will be requested in this conversation. It is understood incidents that require a mobilization of the Department are extremely dynamic and therefore staffing requirements (stages of the Department's response) may change as the scenario evolves. The Chief of Police will be kept informed regarding the staffing needs of the incident until the mobilization is terminated.

(d) A staging area for responding officers and supervisors will be identified and agreed upon by the Chief of Police.

(e) The IC shall determine the number of personnel necessary to call up when they receives notification of the emergency.

(c) At the direction of the IC, assigned supervisors are responsible for contacting sworn and civilian staff. If the on duty watch supervisor involvement in the emergency prohibits him/her from making the contacts they shall assign the responsibility to the Communications Center, or other appropriately informed and supported Department supervisor to complete the call out process.

(d) Supervisors making the notification calls shall advise the officers and support staff where to report and provide them with a brief summary of the status of the incident. Supervisor shall prepare a list of whom they contact to avoid making duplicate phone calls. This list shall be forwarded to the IC for planning and deployment of resources and for inclusion in the subsequent review of the incident.

(e) If a request for mutual aid occurs, the IC shall instruct the other agencies to report to the staging area. Mutual aid shall be requested and mobilized per the in mutual aid agreement with the County Sheriff and State O.E.S.

Demobilization

The IC will authorize demobilization. Consideration should be given to the need for recalling resources, and demobilization should be conducted accordingly.

Demobilization should occur at a central location and have facilities to accommodate debriefing, rest and relaxation and essential need prior to releasing personnel.

403.12 PLAN ACCESS/REVIEW

The Emergency Management Plan is available in Patrol room. All supervisors should familiarize themselves with the Emergency Management Plan. The Commander should ensure that

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department personnel are familiar with the roles police personnel will play when the plan is implemented.

The Commander 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.

403.13 COMMAND RESPONSIBILITY AT A CRIME OR DISASTER SCENE

(a) At the start of a crime/disaster scene, command of Department resources rests with the ranking supervisor. Such person has the authority to direct the operation and is responsible for its outcome. In the absence of a supervisor, the assigned officer shall be responsible.

1. If developments so indicate, the senior officer present shall assume command and so notify the junior officer.

(b) The supervisor or officer in charge at a crime/disaster scene shall be responsible for the scene until they are officially relieved of their duties. No one in charge of a scene should ever assume anyone else has accepted responsibility for the scene until they are officially notified that they have been relieved of their supervisory responsibilities for that scene.

(c) In the absence of investigations at a crime scene, the assigned investigations officer present is in charge of the crime scene, once it has been established and designated.

403.13.1 OFFICER RESPONSIBILITIES AT CRIME OR DISASTER SCENES

(a) The basic objective is to keep the site of the crime scene in the same physical condition as it was left by the perpetrator, and in furtherance of this objectivity the following guideline applies:

1. Personnel of the PGPD, or any other person or department representative, shall be allowed access to the crime/disaster scene to the extent that it is officially required, specifically authorized or is requested by the assigned detective or his/ her designee.

(b) In the event that the assigned detective requests numerous personnel for an area search it shall be the responsibility of the assigned detective, or his/ her designee, for the control and coordination of resources, and appropriate inclusion within the reports of the names and titles of the involved personnel.

403.13.2 DEPARTMENT PERSONNEL PRESENT AT CRIME OR DISASTER SCENES

(a) Only personnel specifically authorized pursuant to this policy may be present at major crime or disaster scenes.

(b) Those personnel assigned or officially present at major crime or disaster scenes shall submit appropriate police reports describing in detail their actions at such scenes, if determined pertinent by the assigned detective or supervisor.

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1. Such reports shall be submitted in conjunction with the report of the assigned detective or supervisor.

403.13.3 SUPERVISOR'S RESPONSIBILITY AT CRIME OR DISASTER SCENES
Any supervisor present or, in his/her absence, the assigned detective at a crime scene, who becomes aware or is advised of unauthorized police personnel present at a crime or disaster scene, shall take immediate steps to ensure that the officer(s) is returned to their primary assignment/function. The presence of any unauthorized person, who enters a crime or disaster scene, shall be noted within the Incident Report of the person in charge of the scene, or the unauthorized person may be directed to write a report describing their actions.

403.14 COMMAND POST

The patrol sergeants unit and Operations Commander vehicle are equipped to function as a mobile Command Post for a versatile base of operations. If the incident exceeds the capabilities of the Mobile Command Post, a request can be made to outside agencies for a designated Command Post vehicle. Supervisors should contact the Operations Commander for activation of these vehicles. The Command Post may be utilized at special events, disaster and/or crime scenes or when the communications center radio system is disabled.

(a) It is the responsibility of each supervisor to be familiar with the operation and capabilities of the Command Post.

(b) The Watch Commander may authorize the activation of the Command Post.

(c) The Supervisor responsible for the field incident shall be responsible for the Command Post and the Command Post staff. For a tactical operation, the Supervisor shall designate a member of the Command Post staff to maintain a Major Incident Log.

403.15 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.

Actions taken at the outset of an investigation at a crime scene can play a pivotal role in the resolution of a case. A careful and thorough investigation is key to ensuring that potential physical evidence is not tainted, destroyed and/or potential witnesses overlooked.

403.16 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:

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(a) Remain alert and attentive. Assume the crime or disaster is ongoing until determined to be otherwise.

(b) Scan the entire area to thoroughly assess the scene, and note any possible secondary crime scenes.

(c) Broadcast emergency information, including requests for additional assistance and resources.

(d) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers (e.g., suspects, weapons, haz-mat)..

(e) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(f) Provide first aid to injured parties if it can be done safely.

(g) Evacuate the location safely as required or appropriate.

(h) Secure the inner perimeter.

(i) Protect items of apparent evidentiary value.

(j) Secure an outer perimeter.

(k) Identify potential witnesses.

(l) Provide for detainee transportation, processing, and confinement.

(m) Start a chronological log noting critical times and personnel allowed access.

1. Every person who enters the crime scene shall have his or her name, time of entry and time of exit noted on the Major Incident Log.

2. The Major Incident Log shall be attached to the follow-up (after action) report and be retained by the Records Section.

403.17 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.17.1 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.

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403.18 SPECIAL EVENTS PLAN

(a) Any person requiring the assistance of the Pacific Grove Police Department for a parade, entertainment or sporting event, demonstration, etc., must first obtain approval from the City's Special Events Committee construction projects will be approved by the City's Planning or Engineering Departments). Once approved, a Special Event Permit will be forwarded to the Operations Commander for review and development of a Special Events Plan if applicable.

(b) The Operations Commander will contact the event organizers and discuss their needs. The Operations Commander decides what is necessary for traffic control, crowd control and potential crime problems expected for any given event. The Operations Commander shall use this information to determine the logistics for the placement and number of patrol/traffic and parking enforcements officers the event requires. The Commander or designee with create an operation plan for each special event to include ingress/egress of vehicles and pedestrians, parking concerns, crowd control, and alternate traffic patterns.

(c) Prior to the event, the Operations Commander or designee may complete a Special Events Plan, depending on the size and scope of the event, and forward it to the Chief of Police or their designee for approval. The Special Events Plan shall include the name of the event, a brief description of the event, the date and time to occur, operational schedule, operational command, location of assignments, names of personnel utilized, radio call identifiers and equipment required. If the event is a parade, the Special Event Plan shall also include a map of the parade route. During the event, coordination between city agencies and event organizers shall be the responsibility of the assigned supervisor. At the conclusion of the event, the assigned supervisor shall prepare an after action report regarding the event and submit it to the Operations Commander.

403.19 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).

403.20 TRAINING

Annually, the agency will conduct training on the All Hazards Plan and the ICS for affected personnel. Biennially, the agency will conduct training consisting of a tabletop or full-scale exercise to assess the agency's capabilities with the All Hazards Plan and ICS. The Training Supervisor shall document all training.

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Hazardous Material Response

404.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

404.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizers and thereby posing a threat to health when improperly managed.

404.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance.

1. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
2. Officers should consult their Emergency Response Guidebook App.

(b) Provide Dispatch with the four-digit Hazmat Hazardous Material Identification Number

(c) Notify the Monterey Fire Department and AMR.

(d) Provide first-aid for injured parties if it can be done safely and without contamination.

(e) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(f) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(g) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

Employees who encounter a situation involving "verified" hazardous materials should not enter the area. Instead, they should notify dispatch of the incident as soon as possible. The employee should secure the area, prevent entry into it by others and wait for the arrival of properly equipped personnel.

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404.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum. 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.

404.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure. The exposure shall be treated as would any other on-duty illness or injury. The supervisor will complete a Supervisor Report of Injury and Workers Compensation Form. Both of these forms shall immediately be sent to the Commander who will review the documents and forward them to the Finance Department.

The Watch Commander should immediately notify the Commander and Chief of Police. They will determine if the City Attorney also needs to be notified immediately.

There are instances of potential exposures to a hazardous material that cannot be verified and there is no apparent immediate reaction to the exposure. In these instances, the supervisor shall document the exposure in a memorandum and make it to the attention of the Commander for review. The memorandum shall be forwarded to the City Attorney and a copy will be provided to the involved employee. The Commander or Human Resources Director will direct the employee for further medical examinations and to establish a medical base-line.

To ensure the safety of employees, safety equipment is available through supervisory personnel.

404.4 TRAINING

Officers are initially trained in the police academy. The Training Supervisor will esnure that all officers receive refresher training in hazmat awareness at least biennially.

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Hostage and Barricade Incidents

405.1 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.

405.1.1 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.

405.2 POLICY

It is the policy of the Pacific Grove 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.

When responding to a hostage/barricaded suspect situation, officers shall contain the location, maintain a perimeter, and initiate an appropriate course of action to isolate the suspect(s). Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained negotiators; however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy - Use of Force, with particular regard directed toward the safety of hostages.

Contact with the suspect by responding field officers should be restricted to encouraging the suspect to surrender. If this initial contact fails, officers should refrain from attempting further dialogue with the suspect until the arrival of trained Hostage Negotiators. However, when involved in a situation where it is necessary to converse with the suspect, the officers should attempt to calm the suspect and avoid making any demands or promises.

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405.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

405.3.1 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.

405.4 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.

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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.

405.4.1 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) Identify assigned personnel and their location

(i) 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.

(j) Establish a staging area for emergency response units (fire, reserve ambulances, and SRU)

(k) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Operations Commander (PIO).

(l) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(m) Establish a command post outside of the view and the line of fire of the suspect.

405.4.2 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

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hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

405.5 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 SRU response if appropriate and apprising the SRU Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

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(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

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 the Communications Center.

(i) Identify a media staging area outside the outer perimeter and have the department Operations Commander 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 and reports as appropriate.

During a crisis situation involving hostages or barricaded suspects, the Supervisor may request Mutual Aid if necessary.

405.6 SRU RESPONSIBILITIES

The Incident Commander will decide, with input from the SRU Commander, whether to deploy the SRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SRU 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 SRU. The Incident Commander and the SRU Commander or the authorized designee shall maintain communications at all times.

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405.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination and approval of incident reports.

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Response to Bomb Calls

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Pacific Grove Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

406.2 POLICY

It is the policy of the Pacific Grove Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

406.2.1 SUICIDE/HOMICIDE BOMBING INCIDENTS

A homicide bomber scenario has the potential to create serious injury or death. Casualties should be expected. Therefore, first responders must react decisively, but with extreme caution for their own safety as well as the safety of the public. Responders should prepare for a fluid, dynamic situation rather than a static one. First responders could be severely injured or even killed in a homicide bomber situation, so personal safety must be paramount.

The initial officer who responds to the scene where a suspected suicide bombing has occurred shall do the following:

(a) Have Dispatch notify the Operations Division Commander and MCSO's Bomb Squad.

(b) Be aware of the possibility of secondary devices and limit scene access to those that must enter. The MCSO's Bomb Squad will conduct a preliminary investigation.

(c) Render aid to injured victims and evacuate them from the area. Consider local and mass casualty incident protocols and initiate them if needed.

(d) Have Dispatch notify the Northern California Regional Intelligence Center (NCRIC)at (866) 367-8847. The NCRIC will notify other agencies and marshal mutual aid resources. The NCRIC will notify the nearest FBI office, as an act of terrorism falls under their statutes. They will also call the FAA and close the airspace overhead for at least a one-mile radius. As an officer safety precaution, this prohibition could include an exclusion of law enforcement aircraft.

(e) DO NOT approach the suspect or their remains. There may be explosives present which have not been detonated. There may also be partially detonated or a secondary device(s) present. Leave the first approach to the suspect for the MCSO's Bomb Squad Investigators - no matter how long the wait for their arrival.

(f) Establish a crime scene perimeter. As a general rule: determine the furthest extent of the blast debris/damage from the blast center, then double that distance as a minimum crime scene perimeter. DO NOT decrease the crime scene area without first consulting with the MCSO Bomb Squad.

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(g) Establish a command post and staging area outside the crime scene. Search the intended command post and staging area for secondary devices prior to establishing these areas.

(h) Limit vehicle and personnel access into and out of the blast area/crime scene.

(i) Establish a record of all persons entering the crime/blast scene including Fire and EMS personnel.

(j) Identify and record all emergency vehicles that enter and leave the crime scene. If practical, leave in place any emergency vehicles that were inside the crime scene and impacted by the detonation.

(k) Record locations and pertinent information on moved victims and determine which hospitals they were transported.

(l) Take overall scene photographs as soon as possible.

(m) Do not conduct any preliminary examination of crime scene debris until Arson/ Explosives Investigators are on-scene. Await jurisdictional decisions before initiating evidence collection.

(n) Vehicle tires and shoes can pick-up or damage key blast evidence. It is normal to wait hours or even a day before the crime scene is entered for post blast investigation.

(o) Once the scene has been contained and controlled (while waiting for additional resources), begin the identification and interviewing of witnesses and victims.

(p) Any on-scene hazards should be preliminarily assessed and mitigated. Remote intervention is recommended to preserve the crime scene (e.g., turn off damaged electrical or natural gas lines from outside the crime scene).

(q) Make provisions for the arrival of the media to ensure they do not contaminate the crime scene.

406.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

406.3.1 WHEN A SUSPECTED BOMB/EXPLOSIVE DEVICE HAS BEEN REPORTED, BUT HAS NOT BEEN LOCATED

(a) Dispatch responsibilities:

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1. All calls concerning potential bombs/explosive devices shall be recorded in a manner similar to calls currently classified as "emergency type" calls.
2. A marked unit shall be immediately dispatched to the location involved.
3. The employee handling the call shall ensure that the Watch Commander is immediately advised and fully informed of the details.
4. When dispatching the original call and any subsequent communications over the police radio, dispatchers and field personnel are to refer to the call as a “Code 10”, rather than using the words “bomb” or “explosive device.”

(b) Assigned officer's responsibilities:

1. Notify the Watch Commander
2. When time is a critical factor, the assigned officer should use their discretion in the search for the reported device (i.e., allowing employees to search, pending arrival of sufficient officers to accompany them on a search).
3. Whenever a search will be conducted immediately, the officer assigned shall notify the watch commander of all action proposed to be taken.
4. A key person, who is thoroughly familiar with the involved structure or property, should be requested to assist in the search, if practical and/or possible.
5. When time is not a critical factor, the actual search of a building should be coordinated between the assigned officer(s) and personnel of the area of the building.
6. When a suspected bomb/explosive device has been reported, but has not been located and a large number of employees are involved, the evacuation of private property premises shall be at the discretion of a company executive and, in no case, will the assigned officer direct an evacuation.
7. Shall notify dispatch of the need to stage or request the Monterey Fire Department to respond.

406.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

406.4.1 PACIFIC GROVE POLICE DEPARTMENT FACILITY

If the bomb threat is against the Pacific Grove Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

406.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Pacific Grove 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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406.4.3 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.

406.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Pacific Grove, 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.

406.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

406.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordinance disposal team.

(c) The first concern of the initial officer on-scene is the protection of human life, then the protection of property.

(d) The initial officer on-scene shall be responsible for the assignment and coordination of personnel responding to the scene, unless relieved by a supervisor.

(e) 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

(f) The appropriate bomb squad or military explosive ordinance disposal team should be summoned for assistance.

(g) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(h) A safe access route should be provided for support personnel and equipment.

(i) Search the area for secondary devices as appropriate and based upon available resources.

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(j) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(k) Promptly relay available information to the Watch Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

406.7 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.

406.7.1 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, the Monterey Fire Department has primary responsibility.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, blood borne 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.

(j) Public sheltering and containment of the incident.

(k) Public notification for awareness and safety

406.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Shift Supervisor
- Operations Commander
- Chief of Police

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- Additional Department personnel
- Fire Department
- Monterey County Sheriff's Office Bomb Squad
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

406.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

406.7.4 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.

406.7.5 TRAINING

All Pacific Grove Police Officers should be annually trained on all Hazmat services.

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Rapid Response and Deployment/Active Shooter

407.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

The goal of police intervention in active shooter incidents is to neutralize the suspect(s), prevent access to potential victims, and the rescue of injured persons and potential victims. This goal can be achieved by various means, up to and including, the use of deadly physical force to stop the suspect's violent actions.

407.1.1 DEFINITIONS

Active Shooter - An Active Shooter is defined as a suspect(s) whose activity is immediately causing death and/or serious bodily injury. The active shooter is not contained and there may also be further immediate risk of death or serious bodily injury to potential victims.

Immediate Action Rapid Deployment - The swift and immediate deployment of law enforcement personnel and resources to an on-going, life threatening situation where delayed deployment could otherwise result in death or great bodily injury to innocent persons. Immediate Action Rapid Deployment tactics are not a substitute for conventional response tactics to incidents such as a barricaded suspect.

407.2 POLICY

The Pacific Grove Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

The policy of this department in an active shooter situation shall be:

(a) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

(b) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(c) To obtain and maintain complete operative control of the incident.

(d) To attempt, when feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) To explore reasonably available sources of intelligence regarding the circumstances, location, and suspect(s) in the incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

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407.2.1 INTRODUCTION

Some scenarios may require immediate action and rapid deployment of law enforcement personnel prior to the arrival of a tactical team. In these cases, delayed deployment could have significant consequences. These scenarios often involve an on-going "shots fired or downed officer/civilian rescue." It may also necessitate the immediate and rapid deployment of law enforcement personnel to contain and prevent the escape of an armed and dangerous person(s). These "active shooter" incidents are unique in that the behavior of the suspects is very different from that typically associated with other violent behaviors. Suspect(s) generally begin to shoot at numbers of people without warning. The motives for these behaviors can range from rage, vengeance or mental dysfunction.

These incidents make it clear that the typical police response of containment, isolation and negotiation may not be adequate. Unlike most criminals, active shooters are likely to continue to use deadly physical force until intervention occurs or until the shooter decides to stop. The active shooter response concept represents a shift in law enforcement tactics, equipment needs and command protocol. These situations require the initial police responders arriving on-scene to have the authority and the capability to take action without waiting for command staff or for the arrival of specialty units such as SRU or Crisis Negotiators.

407.2.2 CHARACTERISTICS OF AN ACTIVE SHOOTER

The following is a list of characteristics commonly associated with active shooter suspects. The list is compiled from descriptions of past active shooters and not meant to be a comprehensive list describing all active shooters. Each active shooter situation is unique.

(a) Active shooters usually focus on assaulting persons with whom they come into contact. Their intention is usually an expression of hatred or rage rather than the commission of a crime.

(b) An active shooter is likely to engage more than one target. Active shooters may be intent on killing a number of people as quickly as possible.

(c) Generally, the first indication of the presence of an active shooter is when he or she begins to assault victims.

(d) Active shooters often go to locations where potential victims are close at hand, such as schools, theaters, concerts or shopping malls, but can occur at any location. While most active shooters carry out their attacks at close range, they may also act in the manner of a sniper, assaulting victims from a distance. Active shooters may also engage multiple targets while remaining constantly mobile.

(e) Tactics, such as containment and negotiation, normally associated with standoff incidents may not be adequate in active shooter events. Active shooters typically either commit suicide upon the arrival of law enforcement or continue their attack despite the arrival of emergency responders.

(f) Active shooters are often better armed than the police, sometimes making use of explosives, booby traps and body armor. Active shooters are not limited to the use of firearms in accomplishing their attacks on victims. They may use bladed weapons,

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vehicles or any tool that in the circumstance in which it is used, constitutes deadly physical force.

(g) Active shooters may have a planned attack and be prepared for a sustained confrontation with the police. Historically, active shooters have not attempted to hide their identity or conceal the commission of their attacks. Escape from the police is usually not a priority of the active shooter.

(h) Active shooters may employ some type of diversion.

(i) Active shooters may be indiscriminate in their violence or they may seek specific victims.

(j) Active shooters are normally suicidal, deciding to die in the course of their actions either at the hand of others or by self-inflicted wounds.

(k) Active shooters usually have some degree of familiarity with the building or location they choose to occupy. Active shooter events are not limited to just one type of location such as a school or university. Anywhere may become the site of such an attack.

(l) Active shooter events are dynamic but may also go in and out of an "active" status. What appears to be a static incident may quickly turn into a dynamic active shooter event, or conversely may go "inactive" by the suspect barricading with or without access to victims.

407.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

1. Under most circumstances an advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

2. It is recognized; however, that under certain circumstances, a solo officer’s decision to enter a location and begin efforts to stop the violence may be an acceptable alternative to waiting for additional officers while innocent people are being assaulted.

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(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

407.3.1 GUIDELINES

The following guidelines are for response to active shooter incidents. These incidents are sufficiently unique such that their effective handling cannot be totally reduced to procedures.

These guidelines are not meant to limit conventional law enforcement tactics, which are appropriate in more conventional crisis situations. The significant factors regarding these tactics are that they represent a means of intervention available to officers and there is the potential of elevated risk to bystanders and officers. The risk may be acceptable in light of the potential these tactics have for saving lives. Another significant aspect of the active shooter tactical doctrine is that based on department policy and the law, officers arriving at the scene of an active shooter incident are authorized to intervene prior to the arrival of command personnel and special units.

(a) **Goal -** The overall purpose of these tactics is to save lives and prevent serious injuries. The goal for law enforcement response at an active shooter event is neutralization by taking action to stop the violence, denying access to additional victims, rescuing injured victims and/or rescuing potential victims.

(b) **Assume Tactical Responsibility -** One initial supervisor or officer must take charge as the Incident Commander. Assumption of tactical responsibility may be based on rank, expertise or seniority. However, it must be made immediately clear to both the Communications Centers and other officers, who is in charge. An officer of superior rank, who is on-scene and fully briefed, may ultimately assume incident command. Any change in incident command will be made known to Dispatch and other officers.

(c) **Situational Analysis -** The supervisor or officer taking charge must, based on all information available, make a situation analysis. The analysis will be continuous, taking into account new information from dispatch and observations from other officers and civilians. The analysis must lead to a decision as to whether the situation is an active shooter event, whether an opportunity exists for immediate intervention leading

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to accomplishment of one of the goals listed above, and how responding resources should be deployed at the scene.

(d) **Incident Command -** No action will be taken that is unplanned or without controls. Depending upon the circumstances, the first supervisor or officer arriving on-scene will initiate Unified Incident Command, pursuant to NIMS guidelines. When appropriate, the Incident Commander will directly or through delegation, establish a Command Post, analyze the situation and determine deployment of responding resources. At least one person possessing all available information on tactical plans should remain at the command post to brief arriving personnel. All personnel enroute to the incident will monitor the radio to gain information, but should not obstruct on-going intervention. Command personnel must be on-scene and fully briefed before assuming incident command.

(e) **First Responder Tactical Intervention -** When responding to active shooter incidents, the Pacific Grove Police Department endorses the concept of first responder tactical intervention. It is critical that all officers, supervisors and command personnel are familiar with the definition of an active shooter as well as the tactics deemed appropriate for active shooter response. The traditional uniform responses of contain, isolate, evacuate, and wait for SWAT and Crisis Negotiators are not appropriate responses in an active shooter incident. The first officer on-scene will need to consider the following:

1. **Contact Team -** First responder intervention will be based on opportunity. Rescue teams will be in the form of officers with an identified team leader. Team movement will be in a controlled and disciplined tactical action under the control and direction of the team leader. An Assistant Team Leader should also be designated.

2. **Rescue Team -** May include Fire Department personnel. In such cases, they will be designated as a Rescue Task Force. Tactical control and decision making will rest with the law enforcement team leader. It is the team leader's responsibility to maintain protection for fire personnel. Medical decisions and evacuation priorities will be determined by the ranking fire department representative.

3. **Containment –** When appropriate in the evolution of a law enforcement response, dedicated containment elements should always be a component of intervention teams. Individual action is discouraged, as it is usually counterproductive to a coordinated, focused response to an active shooter event. Site containment will be left to the discretion of the first officer on scene, who assumes incident responsibility and initiates the situation assessment. Containment of an active shooter incident may take the form of officers serving in an "observe and report" capacity.

4. **Cover or Suppression Fire –** Is defined as target-specific controlled fire, which is directed at an adversary who possesses an immediate and on-going lethal threat. This tactic shall only be utilized when the use of deadly force is legally justified. Target acquisition and communication are key elements in the successful use of this tactic. Department members employing cover fire must be able to articulate their reason(s) for utilizing this tactic.

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(f) **Active Shooter Site Security -** No location associated with an active shooter will be considered secure until a supervisor of the rank of sergeant, or any designated team leader declares it is so. Officers assigned to security functions will maintain positions until properly relieved.

(g) **Special Response Unit(SRU) -** When SRU units are prepared to deploy, the initial responding officers may be relieved or redeployed by SRU.

407.3.2 DECISION TO ADVANCE ON A SUSPECT

The decision to advance on the suspect(s) is a decision that the on scene law enforcement personnel must make. The multitude of variables in such a circumstance requires a rapid assessment of the situation, reasonable decisions as to the best tactics to implement and the timely action necessary to resolve the incident. The following are some examples:

(a) Suspect actively killing or harming civilians, hostages or others - take immediate action, if reasonable, to neutralize the threat presented by the suspect, rescue victims where possible and call for additional for assistance.

(b) Barricaded suspect without hostages - wait for additional assistance, probable SRU response unless timely resolved.

(c) Barricaded suspect with hostages and no harm done to the hostages - wait for additional assistance or SRU response.

407.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

(e) Make notifications to Communications, surrounding agencies, and additional resources (Public Works, Monterey Fire, AMR, SRU/CNT, K-9, etc)

(f) Determine the need for shelter in place or evacuation for impacted individuals. As soon as practical, make a public announcement as related to the need to evacuate an area or shelter in place.

(g) Once the incident is contained, the department should make a public announcement regarding the containment of the incident.

407.5 PLANNING

The Patrol Operations Commander should coordinate critical incident planning. Planning efforts should consider:

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(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) **Coordination with private security providers in critical incident target sites.**

407.6 POLICY AND TRAINING REVIEW

The Pacific Grove Police Department will conduct an annual review of policy and training needs regarding active threats.

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Mental Illness Commitments

408.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under Welfare and Institutions Code § 5150 does not constitute an arrest. If an officer believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall transport that person to the designated facility for evaluation and commitment.

408.1.1 DEFINITIONS

Mental Disorder: Also referred to as a mental impairment, is a term used for a group of disorders causing severe disturbances in a person's thinking, feeling, and ability to relate to others. A person affected by a mental disorder usually has a substantially diminished capacity for coping with the ordinary demands of life. Symptoms can vary and every person who is affected by mental disorder is different. Often systems of mental disorders are cyclic, varying in severity from one time to the next. The duration of an episode also can vary: some persons are affected for a few weeks or months; while others, the disorder may last many years or a lifetime.

Thought Disorder: Condition where the person's thought process is disrupted causing that person to experience delusions or irrational fears, see visions, or a number of other irrational behaviors.

Mood Disorder: Also referred to as an affective disorder, is a condition where the person experiences periodic disturbances in mood, concentration, sleep, activity, appetite or social behavior. Mood disorders can be marked by periods of extreme sadness or excitement.

Hallucination: False perception experienced through any one of the five senses (.e.g., hearing voices, feeling one's skin crawl, smelling strange odors, seeing visions, etc.). When hallucinating, persons may be so overwhelmed that they have little or no awareness of the environment around them. Officers should be aware that substance abuse (drugs and/or alcohol) can also cause delusions, hallucinations, and violent mood swings in an individual.

Delusion: Persistent false belief or thoughts and actions that are not based on reality (e.g., delusions of grandeur, self importance, being persecuted or conspired against, etc.).

408.2 POLICY

It is the policy of the Pacific Grove Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (Welfare and Institutions Code § 5150 commitment) process.

408.2.1 STATUTORY

(a) Welfare and Institutions Code § 5150.2 states that officers admitting a patient into a mental health facility "shall be detained no longer than the time necessary to complete documentation of the factual basis of the detention under Welfare and Institutions Code § 5150 and a safe and orderly transfer of physical custody of the person."

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(b) Health and Safety Code §§ 1257.7 and 1257.8 state in part that all designated facilities licensed pursuant to these sections will be well equipped to handle potentially violent individuals. These licensed designated facilities must have a security plan that is approved by their hospital administrative staff that includes considerations relating to staffing, security personnel availability, and policy and training related to appropriate responses to violent acts. Designated facilities that have emergency departments need to employ sufficient emergency department security personnel to maintain a safe environment. Law enforcement personnel transporting potentially violent individuals for mental health evaluation and treatment cannot be used in lieu of each facility's security personnel.

(c) Welfare and Institutions Code § 5150 defines a "Designated Facility" as a mental health facility designated by the Monterey County Department of Health Services and approved by the State Department of Mental Health as a facility for 72-hour mental health treatment and evaluation. A "Non-Designated Facility" is not licensed to treat any mental health condition on an involuntary basis.

408.3 AUTHORITY

An officer having probable cause should 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

Officers will rely on their training and experience to recognize persons who may be suffering from mental health issues, such as delusional thoughts, hallucinations, mood swings, thought disorders as described above.

408.3.1 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) AMR will 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.

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(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

408.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member or an officer in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the will wait while they are being applied to help provide physical control of the patient, if needed.

408.3.3 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

408.3.4 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application for 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

When an alleged mentally ill person has been transported by officers to any State or County hospital (regardless of whether the person was admitted or not), an incident report shall be made by the primary officer.

Under current law, any designated County Mental Health Facility is required to accept someone who is evaluated as a person requiring treatment under Welfare and Institutions Code § 5150. Non-availability of "bed space" is not acceptable as a rejection of someone requiring treatment.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Language that is appropriate for interacting with a mentally disabled person.

(e) Community mental health 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.

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Officers should consider a Welfare and Institutions Code § 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.

408.4.1 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).

408.4.2 NON-EMERGENT CASES OF A MENTALLY ILL PERSON

Non-emergent cases are not normally handled by the police; however, officers may advise a relative or guardian of the proper procedures as follows:

(a) Persons requesting information relative to the filing of an application for petition on behalf of the mentally ill person, drug addict, or inebriate, may be referred to the Monterey County Behavioral Health or Community Hospital of the Monterey Peninsula.

(b) If a court order is issued to commit a mentally ill person, this "Order of Apprehension" must be signed by a Superior Court Judge and will be served by the Mental Health Detail of the Monterey County Sheriff's Department.

(c) Non-emergent cases shall include mentally ill persons who are desirous of committing themselves to the facility.

If a mentally ill person of a non-emergency nature is to be admitted, the relative or physician must make their own arrangements for transportation.

408.4.3 NOTIFICATION

In every incident involving the detention or transportation to another agency of a mentally ill person, the officer assigned shall have the responsibility of making every reasonable effort to notify the family of the mentally ill person of the individual's whereabouts as soon as possible. The officer shall record the efforts made and the results in the incident report. The Watch Commander shall be advised of the officer's intent to transport the subject prior to transportation in a patrol unit.

408.4.4 MENTAL HEALTH DETENTION AND COMMITMENT OF JUVENILES

When any minor, as a result of a mental disorder, is a danger to others, or to himself or herself, or gravely disabled and authorization for voluntary treatment is not available, a peace officer with probable cause may admit the minor into a mental health facility for 72-hour treatment and

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evaluation located at Community Hospital of the Monterey Peninsula. Prior to admittance, the officer shall make an effort to notify the minor's parent or legal guardian as soon as possible after the minor is detained.

Upon admittance, the officer shall provide the mental health facility with a written application describing the circumstances under which the minor's condition was brought to his/her attention and the probable cause to believe the minor is, as a result of a mental disorder, a danger to others, or to himself or herself, or gravely disabled and authorization for voluntary treatment is not available (Welfare and Institutions Code § 5585.50).

Gravely Disabled Minor - means a minor who, as a result of a mental disorder, is unable to use the elements of life that are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others. Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder Welfare and Institutions Code § 5585.25).

408.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

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.

Prior to transportation, officers will complete a Welfare and Institutions Code § 5150 lodging form and provide it to the EMT for lodging. Mentally ill persons shall be transported by ambulance to a local hospital as determined by the EMT staff. Officers may accompany the patient upon request of the EMT.

408.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

(a) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(b) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

(c) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

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408.6 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 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 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.

408.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to AMR and retain a copy of the application for inclusion in the case report. The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

When an alleged mentally ill person has been transported by officers to any State or County hospital (regardless of whether the person was admitted or not), an incident report shall be made by the primary officer.

Under current law, any designated County Mental Health Facility is required to accept someone who is evaluated as a person requiring treatment under Welfare and Institutions Code § 5150. Non-availability of "bed space" is not acceptable as a rejection of someone requiring treatment.

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 AMR regarding the circumstances leading to the involuntary detention.

408.7.1 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

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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).

408.9 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.

408.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent) (Penal Code § 1524). A search warrant may also be needed before searching for or seizing weapons.

For purposes of this section, deadly weapon means any weapon, the possession of which or carrying while concealed, is prohibited by Penal Code § 19100; or Penal Code § 21310.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number) and

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indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 33800).

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).

The handling officer shall further advise the person of the below described procedure described below for the return of any firearm or other deadly weapon which that has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code §§ 19100; 21310.

408.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Operations Commander, which shall be responsible for forwarding the report to the District Attorney's Office to initiate 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(s).

If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

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408.10 TRAINING

As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25. Initial training will be provided to sworn personnel in the police academy and at the Monterey County Sheriff's Mental Health training. Civilian personnel will receive training on interactions with mentally disabled persons as part of their training process. The Training Sergeant shall be responsible to ensure that all personnel receive POST approved refresher training at least annually, and that the training is documented.

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Cite and Release Policy

409.1 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.

409.1.1 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

409.2 POLICY

It is the policy of the Pacific Grove 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.

409.2.1 ARREST/BOOKING

When a person is arrested and is not eligible for a field release from custody, the arresting officer shall transport the arrestee to the Monterey County Sheriff's Office Jail Facility. The Watch Commander shall be advised of all arrests prior to booking the arrestee. After the Watch Commander has approved the arrest and the appropriate charges, the arrestee shall be booked.

409.2.2 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the animal will be held temporarily at the city yard.

409.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

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The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

409.3.1 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.

Prior to releasing a person in the field, the officer shall:

(a) Verify the person's identity

(b) Conduct a want and warrant check of the person

(c) Complete a citation, citing the person to the appropriate court on the appropriate date

(d) Obtain a report number and place the number in the space provided on the citation, and

(e) Obtain the signature and thumb print of the person on the citation and issue the person the violator's copy.

(f) Whenever a person is to be released in the field for a petty theft violation (Penal Code § 488), conduct a RAPS through records for priors.

(g) Whenever a person is cited for a misdemeanor violation, the officer shall obtain the person's thumbprint on the back of the citation. Whenever possible, the officer shall take a photograph of the person.

409.3.2 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.

409.3.3 PRIVATE PERSONS ARREST

When a person arrested pursuant to a private person's arrest is to be released in the field, the responding officer shall include the name of the private person making the arrest in the "Arresting Officer" space on the citation.

409.3.4 REQUESTS FOR CHANGE OF VENUE

Under certain circumstances, a person cited for a traffic violation may request to appear at the court designated as the County Seat.

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409.3.5 FIELD CITATIONS FOR MUNICIPAL CODE VIOLATIONS

The Administrative Citation can be used whenever an officer is issuing a field citation for any Pacific Grove Municipal Code (PGMC) violation, as long as the suspect is not being physically arrested and there is no victim.

Adult Cited - The officer will complete a citation for the suspect. The officer will then complete the Field Citation Release form, checking the adult box at the top of the page. Any boxes that are specific to juveniles may be left blank. A line should be drawn through the “Right from Wrong” questions on the back of the form. The officer will then complete a short handwritten narrative.

Juvenile Cited - The officer will complete a citation for the juvenile detainee. The officer will then complete the Field Citation Release form, checking the juvenile box at the top of the page. The officer will fill-out the appropriate boxes including whom the juvenile was released to, if appropriate. If the “Right from Wrong” section is not used, a line should be drawn through it. The officer will then complete a short narrative. The Field Citation Release form does not change the procedures for a juvenile citation (also refer to Policy– Traffic Citations).

409.4 NON-RELEASE

409.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))

(b) Felony domestic battery (Penal Code § 273.5)

(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))

(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

(e) Rape of a spouse (Penal Code § 262)

(f) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person’s workplace or residence (Penal Code § 273.6)

(g) Stalking (Penal Code § 646.9)

(h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

409.4.2 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).

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Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The Pacific Grove Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.

1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:

1. Previous failure to appear is on record

2. The person lacks ties to the area, such as a residence, job, or family

3. Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

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When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

409.5 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 him/herself 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 his/her own safety.

(g) The person has other ineligible charges pending against him/her.

(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.

(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.

409.6 JUVENILE CITATIONS

Juveniles should be released on a citation to the custody of their parents or guardian in the following circumstances:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the [agencyCityName][CityCounty] Codes
- Certain Business and Profession Codes
- Certain Health and Safety Codes
- Non Violent misdemeanors

All citations for traffic infractions for juveniles shall be sent to the Marina Court to be handled and processed in the same manner as an adult traffic ticket.

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Juvenile Hall should be contacted prior to booking misdemeanors involving violence and felonies to determine if space is available.

409.7 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 he/she feels the situation should be documented more thoroughly in a case report.

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Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Pacific Grove Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual citizenship, U.S. and foreign, is not a foreign national.

Foreign Officials - Titles and Credentials: There are several types of foreign officials attached to foreign diplomatic and consular missions in the United States. The scope of a person's immunity is determined by title and credentials. Anyone claiming immunity can be identified by credentials issued by the United States Department of State, the United Nations, and the California State Department.

Diplomatic Officers - Diplomatic officers are: Ambassadors, Ministers, Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. These persons are diplomats and represent their governments in the affairs of state. They are not consular officers.

Consular Officer - A Consular Officer is any person officially authorized and entrusted by a foreign government to represent the commercial interests of the citizens of the appointing country. Persons so appointed have been approved by the United States Government to exercise consular functions in this country. Consular Officers include the Consul-General, Deputy Consuls General, Consuls, and Vice Consuls. Consular Officers may be either Career Consular Officers or Honorary Consular Officers.

A career Consular Officer is a citizen of a foreign country empowered by its government to act in its behalf on matters of trade and limited governmental functions. Each career Consular Officer possesses U.S. State Department credentials bearing the State Department's seal, the name of the officer, title, and the signatures of State Department officials and other official identification.

An honorary Consular Officer is a citizen of the United States or a citizen of a foreign country who is a permanent resident of the United States. The honorary Consular Officer is appointed to perform the functions of a career Consular Officer. Unlike the career officer, an honorary Consular Officer does not possess a State Department identification card but may have other official identification.

Official Guests - Official guests carry letters of introduction or other documentation identifying them as official guests of the United States Government.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments.

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These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official “missions” (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

410.2 POLICY

The Pacific Grove Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

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410.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Immigration Violations

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Pacific Grove Police Department relating to immigration and interacting with federal immigration officials.

411.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

411.2 POLICY

It is the policy of the Pacific Grove 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.

411.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

411.4 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials

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to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

411.5 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 supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

411.6 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.

411.6.1 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Administrative Services Manager shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Section Policy).

411.7 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 Operations Commander assigned to oversee the handling of any related case. The Operations Commander 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). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

411.7.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

411.7.2 REPORTING TO LEGISLATURE

The Operations Commander shall insure 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).

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411.7.3 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).

411.8 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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Emergency Utility Service

413.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

413.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

413.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

413.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

413.1.4 EMERGENCY NUMBERS

Police dispatchers will maintain a current list of emergency personnel who are to be called for municipal utility emergencies.

413.1.5 GENERATOR

The City Public Works maintains the city gas powered generator located at the Police Department. The purpose of the generator is to maintain electrical power to the Police Department. Monthly inspection and testing of the equipment are completed.

413.2 TRAFFIC SIGNAL MAINTENANCE

The City of Pacific Grove contracts with Traffic Signal Maintenance Inc. to furnish maintenance for all traffic signals within the city, other than those maintained by the State of California. That company can be contacted by calling (408) 988-3541 or (831) 373-7231

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413.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents including responsibilities of personnel, making proper notification, and documentation..

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, 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.

414.2 POLICY

It is the policy of the Pacific Grove Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 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).

414.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) and coroner before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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414.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

(d) Chief and Commander

(e) Department Public Information Officer (PIO)

(f) Medical Examiner/ Coroner

(g) Street/ highway department personnel

(h) Public Utilities personnel

414.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

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414.7 DANGEROUS MATERIALS

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.

414.8 DOCUMENTATION

All aircraft accidents occurring within the City of Pacific Grove 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 PGPD 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.

414.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

414.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

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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.

414.9 MEDIA RELATIONS

The Department's Public Information Officer will obtain information from the Incident Commander to provide to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Information Officer to prepare a press release for distribution to the Media Information released to the press regarding any aircraft accident should be handled by the Department's Public Information Officer or in accordance with Policy - Media Relations. The Public Information Officer should coordinate the release of such information with the FAA Press Information Officer.

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Field Training Officer Program

415.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Pacific Grove Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

415.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of three years of patrol experience, one of which shall be with this department

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Evaluation by supervisors and current FTOs

(f) Possess a POST Basic certificate

415.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO. All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004). All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Operations Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs

(b) Conduct FTO meetings

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(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

(j) Coordinate the patrol orientation for new academy graduates

(k) Review and approve trainee evaluations

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)).

415.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Pacific Grove Police Department who has successfully completed a POST approved Basic Academy.

415.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B). To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

415.5.1 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 Pacific Grove 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 Pacific Grove Police Department.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

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(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

415.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall complete and submit a Supervisor's Weekly Report on the performance of a trainee assigned to their shift on a weekly basis. The supervisor shall include the documentation in their report:

(a) Complete and submit a written evaluation on the performance of the trainee to the FTO Coordinator on a weekly.

(b) Review the Daily Trainee Performance Evaluations for the trainee weekly.

(c) Complete a detailed end-of-phase performance evaluation on the trainee at the end of each phase of training.

415.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations and Supervisor Weekly Reports.

415.6.4 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.

415.7 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) Weekly Supervisor Report

(c) End-of-phase evaluations

(d) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

(e) Supervisor's Weekly Report

415.8 EXTENDING OR TERMINATING TRAINEES IN THE FTO PROGRAM

Based on the recommendation of the FTO Sergeant, and a review of the trainee’s performance and evaluation reports, a trainee who is responding to remedial efforts may have their field training

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extended. The FTO Sergeant shall not extend a trainee's field training without the prior approval of the Chief of Police.

When the recommendation of the FTO Sergeant, and a review of the trainee's performance and evaluation reports, is that the trainee be released from the FTO Program the Operations Commander shall be notified as soon as is practicable. The Operations Commander shall advise the Chief of the recommendation. Only the Chief of Police has the authority to remove a trainee from the FTO Program.

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Contacts and Temporary Detentions

416.1 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.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Non-Consensual encounter - An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

416.2 POLICY

The Pacific Grove 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

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photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

416.3 FIELD INTERVIEWS

Field Interview (FI) Cards are a valuable investigative tool for documenting and disseminating information obtained from both field detentions and consensual contacts. FI Cards are a critical resource, which can assist in identifying potential suspects, witnesses and/or victims of crimes. 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 Pacific Grove Police Department to strengthen community involvement, community awareness, and problem identification.

All FI Card photographs shall comply with Policy- Computers and Digital Evidence.

416.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the officer

(j) Consensual contact

416.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence.

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Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(g) Consensual pat-down

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.

416.5 FIELD PHOTOGRAPHS

Records Management System and CalPhoto databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

416.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. The officer should video or audio record the consent and/or document it in an informational report or FI report.

416.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

416.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee digital photographs must be submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact such as an Information or Crime Report. If an individual is photographed as a suspect in a particular crime,

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the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

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.

416.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

416.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available 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 Pacific Grove 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.

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Criminal Organizations and Street Gangs

417.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Pacific Grove Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Pattern of Criminal Gang Activity - The commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

Criminal Street Gang - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

Gang Related Crime - Any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

417.2 POLICY

The Pacific Grove Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

417.3 CRIMINAL INTELLIGENCE SYSTEMS

No department 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.

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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.

417.3.1 SYSTEM ENTRIES

It is the designated record supervisor or designated employee's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

417.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved records management 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 records management system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of records management system entries.

417.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized records management system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) 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.

(c) 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.

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417.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

417.5 INFORMATION RECOGNITION

Department 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.

(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 Sergeant to train members to identify information that may be particularly relevant for inclusion.

417.6 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.

417.7 CRIMINAL STREET GANGS

The commander should ensure that there are an appropriate number of department members who can:

(a) Testify 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).

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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.

417.8 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system (TLO, CSAR, LEEP, CLETS, Justice Partner, Cal Photo, NLETS, etc.). to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Watch Commanders

418.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

418.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Sergeant is unavailable for duty as Watch Commander, in most instances the Corporal shall be designated as acting Watch Commander.

418.3 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander and supervisory personnel of a watch shall assemble in sufficient time prior to roll call to gather material and information to be presented to the on-duty personnel and are responsible for conducting the briefing session. As a general rule, the Watch Commander will secure regular scheduled sworn patrol shift personnel fifteen minutes prior to the end of watch (1845 or 0645 hours).

418.3.1 WATCH COMMANDER’S SHIFT NOTES

The Watch Commander’s Shift Notes is designed to detail all events of interest that occur during each tour of duty. The Watch Commander will be responsible for the maintenance of a comprehensive Shift Notes. The original Watch Commanders Shift Notes will be retained on the electronic department email system.

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Ride-Along Policy

419.1 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.

419.1.1 ELIGIBILITY

The Pacific Grove 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 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Females who are pregnant
- Individuals exhibiting severe cold and/or flu-like symptoms
- Denial by any supervisor

419.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police or the Operations Commander.

419.2 PROCEDURE TO REQUEST A RIDE-ALONG

Rde-along requests are reviewed and approved by the Operations Commander who then assigns a shift supervisor to contact and schedule the ride-along. 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. The Ride-Along may ride for a four (4) hour period or as determined by the on-duty Shift Supervisor. If the ride-along is denied after the request has been made, the Operations Commander will contact the applicant and advise him/her of the denial.

419.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Volunteers, Chaplains, police applicants, and all others with approval of the Operations Commander. An effort will be made to ensure that no more than one citizen will participate in a ride-along during a single shift and nomore than one ride-along will be allowed in the officer's vehicle at a given time.

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419.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Supervisor may refuse a ride along to anyone not properly dressed or whose general appearance is not conducive to police operations in the field.

419.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department are not permitted to ride along per FLSA requirements. Officers from other law enforcement agencies will not be permitted to ride-along with on-duty officers without the expressed consent of the Operations 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. Off-duty officers will not be permitted to carry a firearm while on the ride-along.

419.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check unless they are an employee of the Pacific Grove Police Department or a currently employed member of law enforcement. 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 Pacific Grove Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

419.3 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.

419.4 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 officer may terminate the ride-along at any time and 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 shall not be allowed to continue riding during the transportation and booking process.

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) 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

(g) All citizen ride-alongs will be admonished not to discuss with any person not affiliated with law enforcement sensitive situation or mention the names of individuals encountered during the time they are with a police officer

(h) Ride-Along participants are not to take any photos or videos of any law enforcement action during the ride-along and are not to post any police related photos, videos, or information to any social media site or through text messaging

(i) A record of citizen ride-alongs indicating the waiver, date, time and officer assigned will be maintained within the RMS system.

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In-Car Camera System (MAV)

420.1 PURPOSE AND SCOPE

The Pacific Grove 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.

420.1.1 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.

420.2 POLICY

It is the policy of the Pacific Grove 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.

420.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Pacific Grove Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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420.4 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.

420.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. The MAV system shall be activated during all operations of the vehicle involving the use of the unit's emergency lighting system. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify the Communications Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls

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3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

420.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

420.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

NOTE : 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 (632(a)).

420.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

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(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly. The operation of the MAV systems for all other employees shall be assessed at least once every six months.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

420.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

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Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

420.6 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 traffic infraction 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.

420.7 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).

420.7.1 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.

420.7.2 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 Pacific Grove Police Department shall indicate this in an appropriate report. Officers should ensure relevant recordings are preserved. Recorded media placed into evidence shall be retained through the final disposition of the criminal case and/or any related civil matter.

420.8 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.

420.9 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.

420.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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Medical Marijuana

421.1 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.

421.1.1 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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421.2 POLICY

It is the policy of the Pacific Grove 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 Pacific Grove Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

421.3 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.

421.3.1 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.

421.3.2 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.

421.3.3 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).

421.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

421.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

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(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

421.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

421.4 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.

421.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Patrol supervisor.

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Homeless Persons

422.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Pacific Grove Police Department recognizes that members of the homeless community are often in need of special protection and services. The Pacific Grove Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

422.1.1 POLICY

It is the policy of the Pacific Grove Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

422.1.2 COMMUNITY ORIENTED POLICING

The Community Oriented Policing philosophy facilitates the Department's and community's efforts to solve problems and reduce crime by utilizing community policing strategies. The Commander collaborates with various City departments and outside agencies to build rapport between city government and the neighborhoods we serve.

422.2 COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Community Liaison Officer. The responsibilities of the Community Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with Policy - Property and Evidence and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

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(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

(g) Patrol public grounds, City owned buildings and other areas for community gatherings to ensure security, safety and orderly conduct of people that visit those locations.

(h) Observe and assist people utilizing those areas, generate goodwill and relations, issue verbal warnings and/or notify sworn police personnel upon observing violations of the law.

422.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of checking their welfare, rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate. If a homeless person desires to be relocated to their original home town, place of birth or where their family is currently located the officer shall ascertain exactly where and why the person desires to be assisted. The officer should not make any promises to the homeless person. When the Officer has exhausted their attempt to assist the individual, they should contact the Community Liaison Officer or Supervisor for assistance.

422.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.

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(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

422.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

Homeless individuals have a possessory interest in their personal property unless there are objectively reasonable facts that indicate the possessions:

1. are abandoned,
2. present an immediate threat to public health or safety, or
3. are evidence of a crime or contraband.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

422.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see Policy-Mental Illness).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these

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circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

422.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Bicycle Patrol Unit

423.1 PURPOSE AND SCOPE

The Pacific Grove Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

423.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

423.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request through channels to the Patrol Operations Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

423.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Patrol Operations Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with the Patrol Division.

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(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

423.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

423.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

423.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a “POLICE" decal affixed to each side of the crossbar or the bike’s saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

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Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer’s immediate presence.

423.7 OFFICER'S RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

(a) In response to an emergency call.

(b) While engaged in rescue operations.

(c) In the immediate pursuit of an actual or suspected violator of the law.

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Foot Pursuits

424.1 PURPOSE AND SCOPE

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

424.2 POLICY

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

Officers are expected to act reasonably, based on the totality of the circumstances.

424.3 DECISION TO PURSUE

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

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

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

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

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

(a) Containment of the area.

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

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Air support.

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

424.4 GENERAL GUIDELINES

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

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

(b) The officer is acting alone.

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

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

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

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

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

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

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

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

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

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance, unless the exigency to capture the suspect outweighs the necessity to provide medical attention to the injured victim.

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

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no

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immediate threat to department members or the public if the suspect is not immediately apprehended.

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

(p) Officers shall not initiate or participate in a foot pursuit when an arrestee or detainee is a passenger in their patrol car.

(q) Plain clothed officers should be mindful that they may not be immediately recognized by pursuing officers or members of the public, especially when outside agencies are involved in the foot pursuit. As such, plain clothed officers should broadcast their clothing description and ensure that their badge is readily visible.

1. If the plain clothed officer is confronted by a uniformed officer and their identity is questioned, the plain clothed officer shall immediately follow the instructions of the uniformed officer.

424.5 RESPONSIBILITIES IN FOOT PURSUITS

424.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

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

(a) Location and direction of travel

(b) Call sign identifier

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

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

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

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

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

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct

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further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

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

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

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

COMMUNICATION RESPONSIBILITIES

Communication personnel will advise the Watch Commander upon the initiation of a foot pursuit, if not already notified and will maintain radio communications with the pursuing officer(s). If not already requested, Communications will activate a 10-3 for radio silence during the pursuit and deactivate the 10-3 to allow regular radio communication to resume once completed.

424.5.4 CAPTURE OF SUSPECTS
Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a foot pursuit and apprehension of suspects. When taking suspects into custody, officers shall use reasonable force to properly perform their lawful duties and remain diligent to their surrounding environment.

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

(a) Date and time of the foot pursuit.

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

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

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(d) Alleged offenses.

(e) Involved vehicles and officers.

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

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

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed. The Supervisor will approve all written reports.

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

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

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Civil Disputes

425.1 PURPOSE AND SCOPE

This policy provides members of the Pacific Grove Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

425.2 POLICY

The Pacific Grove Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

425.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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425.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

425.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

425.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

425.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Civil Disputes

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Public Recording of Law Enforcement Activity

426.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

426.2 POLICY

The Pacific Grove Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

426.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity (Penal Code § 69; Penal Code § 148). Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

426.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

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Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

426.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

426.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

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2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The Pacific Grove Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

427.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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427.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Conducted Energy Weapons should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 ARRESTS

The Pacific Grove Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

427.9 MEDIA RELATIONS

The Operations Commander should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

427.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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427.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

427.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

427.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

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In-Car Computer Use

428.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the In-Car Computer (In-Car Computer) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

428.2 POLICY

Pacific Grove Police Department members using the In-Car Computer shall comply with all appropriate federal and state rules and regulations and shall use the In-Car Computer in a professional manner, in accordance with this policy.

428.3 RESTRICTED ACCESS AND USE

In-Car Computer use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the In-Car Computer system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the In-Car Computer by another member to their supervisors or Watch Commanders.

Use of the In-Car Computer 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 In-Car Computer 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 In-Car Computer system unless directed to do so by a supervisor. Members are required to log off the In-Car Computer or secure the In-Car Computer when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

428.3.1 USE WHILE DRIVING

Use of the In-Car Computer 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.

428.4 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).

428.5 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 In-Car Computer unless security or confidentiality prevents such broadcasting.

In-Car Computer 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 In-Car Computer.

428.5.1 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 In-Car Computer 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 In-Car Computer when the vehicle is not in motion.

428.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

428.6 EQUIPMENT CONSIDERATIONS

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428.6.1 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their In-Car Computers when in the evacuation area of a suspected explosive device. Radio frequency emitted by the In-Car Computer could cause some devices to detonate.

428.6.2 MALFUNCTIONING IN-CAR COMPUTER

Whenever possible, members will not use vehicles with malfunctioning In-Car Computers. Whenever members must drive a vehicle in which the In-Car Computer is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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Portable Audio/Video Recorders

429.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment. This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Pacific Grove Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices). Also see Policies - Mobile Audio/Video, and Investigation and Prosecution.

429.2 POLICY

The Pacific Grove Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public. Absent legal cause or lawful order, no member of this department may surreptitiously record (using any recording device) any other member of this department without the prior expressed knowledge and consent of all parties.

429.3 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

The coordinator shall periodically inspect the equipment to ensure it is working properly. The Department has a maintenance agreement with Axon for all repairs and upgrades.

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429.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

429.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Department, the camera positioning on the uniform is adjusted to facilitate optimum recording field of view, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, PGPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

429.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

429.5.2 REPORT WRITING RESPONSIBILITIES

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members shall include the reason for deactivation.

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429.6 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify the Communications Center

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

429.6.1 NOTIFICATIONS REGARDING PORTABLE RECORDER

For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted portable recorder will have knowledge that such a contact is being recorded.

If the officer does not have the portable recorder conspicuously displayed and is not engaged in a criminal investigation, the officer shall notify all involved individuals that they are being recorded.

429.6.2 TIMING OF ACTIVATION OF PORTABLE RECORDER

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

429.6.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential.

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(a) Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be relevant and beneficial to the investigation (Penal Code § 633).

1. For the purpose of this policy, any officer contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.

2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted portable recorder will have knowledge that such a contact is being recorded.

3. If the officer does not have the recording device conspicuously displayed and is not engaged in a criminal investigation, the officer shall notify all involved individuals that they are being recorded.

(b) Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or his/her authorized designee.

NOTE: Members of this Department, who opt to keep their recording devices on "Voice Activation," are not exempt from the strict limitations placed on surreptitiously recording fellow employees.

429.6.4 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

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).

429.6.5 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

429.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

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Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

429.7.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM
The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

429.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording. **CALEA** 41.3.8

429.9 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18), or as specified by California State statute of limitations, which ever is longer:

(a) Incidents involving use of force by

(b) Officer-involved shootings

(c) Incidents that lead to the detention or arrest of an individual

(d) Recordings relevant to a formal or informal complaint against or the

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Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 60 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

429.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS
Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy and California PRA.

429.10 REVIEW OF RECORDED MEDIA FILES

Data captured by department-issued portable recorders is an official police record and shall treated in the same manner as reports, citations, and evidence. All access to the system will be logged and subject to audit at any time. Access to the data from the system is permitted on a right-to-know, need-to-know basis.

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report. Members should ensure that their report takes into account consideration of the recording. Obvious discrepancies between what is shown in the video and the member's recollection should be documented in the report. Importantly, the member should document the incident from their initial and personal perspective. The member's knowledge of what they knew and when they knew it is paramount. In addition, the member's state of mind and reactions may or may not be evident in a video recording.

Members shall not retain personal copies of recordings.

Unless prohibited by applicable law, an employee may review body worn cameras files as it relates to:

(a) His/her involvement in an incident for the purpose of completing a criminal investigation and preparing official reports, with the exception of recordings under personnel investigation for use of force or other alleged misconduct.

(b) Upon approval by the Chief of Police or designee, any member who is conducting an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(c) Members of the City Attorneys' Office or Risk Management in connection with pending litigation or for review prior to release to the public.

(d) Department approved training.

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(e) Supervisors for relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance. Supervisors shall periodically assess recordings of officers assigned to them. The reviews should be done at least once every six months and should encompass a review of at least two recordings.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

429.11 TRAINING

All supervisors and personnel using the Portable and Audio-Video Recorders shall be trained on the function, use and operational procedures of this policy.

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Crisis Intervention Incidents

430.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

430.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

430.2 POLICY

The Pacific Grove Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

430.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crisis:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

430.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Operations Commander shall collaborate with mental health professionals to develop an education and response protocol, which should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

430.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

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(k) If circumstances reasonably permit, consider and employ alternatives to force.

430.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

430.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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430.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Operations Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

430.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

430.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

430.10 INTERACTIONS BETWEEN NON-SWORN PERSONNEL AND PEOPLE IN CRISIS

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

430.11 EVALUATION

The Operations Commander should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

430.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

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Suspicious Activity Reporting

431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

431.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

431.2 POLICY

The Pacific Grove Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

431.3 RESPONSIBILITIES

The Investigation Operations Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Operations Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

431.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any professional staff member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

431.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Operations Commander
- Shift Supervisor
- Other authorized designees

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Medical Aid and Response

432.1 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.

432.2 POLICY

It is the policy of the Pacific Grove Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

432.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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432.4 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.

432.5 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.

432.6 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.

432.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Commander or his/her designee should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

432.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

432.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

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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 the Communications Center as soon as possible and request response by EMS.

432.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

432.8.3 AED TRAINING AND MAINTENANCE
The Training Sergeant 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 Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

432.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member (Civil Code § 1714.22; Business and Professions Code § 4119.9).

432.9.1 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 Sergeant.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

432.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in a crime report and ensure the proper county medical form is forwarded to the County.

The Training Sergeant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

432.9.3 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The Training Sergeant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

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432.9.4 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).

432.9.5 OPIOID OVERDOSE MEDICATION TRAINING
The Training Sergeant 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).

432.10 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.

432.11 FIRST AID TRAINING

The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

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Crisis Response Unit

433.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

433.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

433.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

433.2 LEVELS OF CAPABILITY/TRAINING

433.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

433.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At

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least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

433.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

433.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

433.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

433.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

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(i) Specialized functions and supporting resources.

433.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.

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(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

(b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

(c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment deployed.

433.4 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

433.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

433.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

433.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

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433.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Department Instructor who has been approved by the CRU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

433.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

433.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

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433.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Sergeant. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

433.5 UNIFORMS, EQUIPMENT, AND FIREARMS

433.5.1 UNIFORMS
SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

433.5.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

433.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

433.5.4 OPERATIONAL READINESS INSPECTIONS
The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

433.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The Commander of the CRU shall be selected by the Chief of Police upon recommendation of staff.

433.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Patrol Operations Commander, the Crisis Response Unit shall be managed by a lieutenant.

433.6.2 TEAM SUPERVISORS
The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

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(a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

(b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

433.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

433.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Operations Commander. A copy will be forwarded to the CRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

433.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

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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.

433.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) 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 Special Weapons and Tactics Team.

433.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Operations Commander, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance;
2. Demonstrated good judgment and understanding of critical role of SWAT member;
3. Special skills, training, or appropriate education as it pertains to this assignment; and,
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.

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(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to staff, by the CRU Commander, for final selection.

433.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

433.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander.

433.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the CRU Commander.

433.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

433.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Pacific Grove Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Operations Commander.

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433.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the Pacific Grove Police Department SWAT team shall operate under the policies, procedures and command of the Pacific Grove Police Department when working in a multi-agency situation.

433.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Watch Commander for the Crisis Response Unit. The Watch Commander shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the CRU Commander. The Watch Commander will then notify the Patrol Operations Commander as soon as practical.

The Watch Commander should advise the CRU Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected officers to respond.

433.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response 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.

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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.

433.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

433.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response 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 Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

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Obtaining Air Support

434.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

434.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

434.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

434.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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Response to Alarms

434.1 PURPOSE AND SCOPE

This policy contains procedures for a consistent and systematic response to all types of alarm calls designed to afford the maximum amount of safety possible for both the officers responding and the public.

Officers must always take into consideration the risks involved when responding to alarms.

(a) The type of alarm and the likelihood of apprehension.

(b) The degree of risk created by the type of response considering the time of day, traffic volume, the presence of pedestrians, weather conditions, road conditions and lighting conditions.

The Commander will insure that all bank managers or designees in town are trained by a member of this Department in regards to our alarm procedure.

434.2 BANK/COMMERCIAL HOLD-UP ALARMS

All available patrol units and a supervisor will be assigned to all bank hold-up/panic alarms. The initial key for the responding officers is to make a silent approach to the area of the bank.

(a) The responding units should coordinate their actions, to cover all corners of the building.

(b) Officers should park their vehicles out of view remove their carbine and walk into position using any cover or concealment available.

(c) Officers should unholster their weapons if they do not have a carbine once they are in position.

(d) The officers should always be mindful of the possibility of lookouts being in the area and use extreme caution.

Observe Activity

The officers should observe the activity taking place in and around the bank and communicate with the supervisor. If it appears that normal business is being conducted, the supervisor should request Communications to call the bank and have them follow the alarm procedure listed below. Otherwise, the officers should remain in a cover position and not approach the bank.

No call should ever be made before the officers are deployed and the Watch Commander or primary officer makes a specific request for the call to be made.

Alarm Procedure

Officers on scene will request a 10-3 from Communications when officers are in position. Communication personnel call the bank and request a bank employee to meet the supervisor, or his/her designee, outside the bank in a safe position. The best practice is to use the main entrance if possible. It is the responsibility of the supervisor to provide this information to Communications

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so that they can relay it to the bank. The telecommunicator should determine who is coming out and obtain a general description. This information should be relayed to the officers at the scene. Proper coordination between Communications and the officers at the scene is critical.

The patrol supervisor or designee should let the bank employee come to his/her position. The supervisor should then interview the employee, verify their identification and evaluate the situation. If it appears that the alarm was accidental, the employee should be allowed to return to work.

After the Watch Commander verifies the alarm was activated in error, officer will enter the bank and search each part of the building. Once the building is cleared, the Watch Commander or designee will request Communications lift the 10-3 and regular radio traffic will resume.

If Hold-up is in Progress or Occurred

If 911 confirms a robbery in progress, or if the officer interviewing the employee determines that a hold-up is in progress, the supervisor should immediately inform Communications and request additional assistance to set up an outer perimeter around the bank.

The supervisor will evaluate the situation to determine if a hostage situation is present or about to develop at which time a request for SRU/CNT may be appropriate.

The initial responding officers should maintain their positions and verbally warn other people from entering the bank. The officers should not leave cover to approach the bank. Officers will only approach or enter the bank when necessary to preserve life.

If the suspects exit the bank, officers must use extreme caution before engaging them in armed combat to ensure that no bystanders are in the line of fire.

If the officers determine that a robbery has taken place and the suspects have fled the scene, they should:

(a) Enter the bank to secure the scene and isolate potential witnesses.

(b) Render aid as necessary.

(c) Try to obtain as much information as quickly as possible and relay it to Communications for broadcast to other County and State agencies.

(d) Other personnel cars should begin a coordinated search around the bank, keeping in mind the possibility of a switch car being parked in the vicinity

(e) Once the scene is secured the primary officer will conduct the preliminary investigation.

434.3 RESIDENTIAL/COMMERCIAL PANIC ALARMS

Patrol officers will be assigned to all residential and commercial burglar alarms. The responding officers should try to cover both sides of the building.

If officers do not detect any abnormal activity they will conduct a security check to determine if there is any forced entry. If officers observe any type of forced entry or unusual circumstances,

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they will immediately notify Communications and other responding units. Officers will check the interior and exterior of the building together.

If officers find that the residence or business has been forcibly entered they will take positions to do their best to cover diagonal corners on the building and inform Communications and the Watch Commanders of their findings and follow the procedures above.

Communications will attempt to notify an emergency contact to respond to the scene. In the event that the alarm is not registered the telecommunicator will contact the Alarm Company that reported the alarm to call an emergency contact to respond to the scene.

If officers find that the residence or business is secure they will notify Communications. If the resident or business owner wishes to respond and conduct an interior check of the premise, the telecommunicator will obtain the estimated response time. If greater than 15 minutes the responding party will be advised to contact the police department upon their arrival and not to enter the premise or business until the police conduct a search.

If a contact is not going to respond or the response is in excess or 15 minutes the officers can secure from the call after taking some time to observe normal activity. If a residence or business is found unsecured and no one can be contacted to secure the building officers will attempt to secure the building.

434.4 COMMUNICATIONS RESPONSIBILITIES

Upon receiving calls reporting any type of alarm activation, telelcommunicators will obtain the name of the Alarm Company, the reporting agents name and business call back number. For calls regarding panic or hold-up alarms, telecommunicators wait for instruction from the supervisor on scene to call the business and make telephone contact. The telecommunicator will attempt to assess the situation and if they deem there is no emergency they will get a general description of the manager/employee and provide the manager/employee with detailed instructions on where to safely meet the supervisor or designee outside the facility.

If the alarm was triggered for an actual hold-up, robbery, or burglary, the telecommunicator will notify all surrounding local and state jurisdictions via radio channels.

For calls involving burglar alarms, telecommunicators will assist officers with their requests for notifications as detailed above.

Officers will ask Records to attempt to contact responsible if Communications is unable. Officers will check with Records to determine if the alarm is registered with the City. Officers will leave a copy of the Department Alarm Report Form at the residence/business. A duplicate copy will be provided to Records for proper documentation and billing.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Pacific Grove 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.

500.2.1 UNMARKED CARS

Vehicle Code § 40800 prohibits the use of unmarked cars solely for the purpose of traffic enforcement.

500.2.2 CHECKPOINTS

Department members engaged in the planning and operation of checkpoints for the purpose of driving under the influence or driver's license enforcement and education shall plan and conduct such checkpoints in accordance to the protocols of the state Office of Traffic Safety.

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500.2.3 TRAFFIC RECORDS

The data used to deploy traffic officers may include data stored in the Records Management System regarding traffic collision data, traffic enforcement data and roadway hazard information. The Operations Commander, or designee, is responsible to coordinate data distribution.

500.2.4 TRAFFIC COMPLAINT AND DATA REVIEW PROCESS

The Operations Commander, or designee, will establish a procedure for responding to traffic complaints and coordinate efforts with the Public Works Traffic Engineer. The procedure will include the collection and examination of roadway traffic data (speed, volume, time of day) and the accident data to determine the responses to complaints. The Operations Division Commander, or designee, will ensure that a report is compiled and includes:

(a) Traffic collision data

(b) Traffic enforcement activities

(c) Traffic complaints

(d) Analysis of enforcement activities and collisions (by location and primary collision factor) to evaluate the efficacy of traffic enforcement activities.

500.2.5 REFERRAL OF COMPLAINTS OR SUGGESTIONS

Complaints and suggestions are routinely received by phone, mail and in person by the Department and Public Works Traffic Engineer. Officers will be assigned to investigate complaints or suggestions and when possible go to the area at issue. The officer may add any additional or concurring opinions and forward the information via memorandum to the Operations Commander.

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.

500.3.2 CITATIONS/ NOTICE TO APPEAR

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 to all motorists including; nonresidents of the agency service area, juveniles, legislators, foreign diplomats/ consular officials, and military personnel:

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(a) Explanation of the violation or charge

(b) Court appearance schedule and procedure including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(d) When applicable, equipment correction, inspection and sign-off procedures

(e) All special processing requirements, e.g., diplomatic or legislative immunity, or procedures that apply to traffic law violations committed by the classes of persons enumerated above and any others that require special processing by virtue of legal mandate.

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

500.3.4 HANDLING SPECIAL CIRCUMSTANCE-TRAFFIC LAW VIOLATIONS

Foreign Diplomats/Consular Officials will be dealt with in accordance with Policy - Arrest or Detention of Foreign Diplomatic and Consular Representatives. Nonresident violators, juveniles, members of the legislature and military personnel will be processed in the same manner as a private citizen.

500.3.5 UNIFORM ENFORCEMENT GUIDELINES

Appropriate uniform enforcement action for traffic violations is important if motorists are to ensure traffic safety in the City of Pacific Grove. It is recognized that special circumstances do occur which require officers to use good judgment, based on training, experience, and common sense, taking into consideration the circumstances and conditions at the time of the violation and/or traffic collision. Uniformed enforcement guidelines combined with properly used discretion will ensure appropriate actions and gain the public confidence in traffic enforcement.

The ultimate goal of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations from the motoring public. In order to achieve this goal, when probable cause exists, officers should take enforcement action against anyone found to be violating one of these laws. These enforcement policies do not supplant officer judgment, for it is impossible to foresee every conceivable situation involving traffic violations.In unusual circumstances, the officer must decide what enforcement action is

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proper based on a combination of training, experience and common sense. Officers should take enforcement action when serious violations are observed or reported. It is the policy of the Department to take enforcement action when a threat to life and/or public safety is involved.

The following are some examples of serious violations:

(a) Incidents involving drug/alcohol impairment

(b) Drivers with a suspended or revoked license

(c) Moving violations

(d) Serious speed violations resulting in added danger to the public

(e) Hazardous violations including but not limited to reckless driving and speed contests

(f) Multiple violations

(g) Violations resulting in traffic collisions

Officers should use discretion in determining enforcement action for things such as:

(a) Off-road vehicle violations

(b) Equipment violations, non-moving violations

(c) Public carrier and commercial violations

(d) Other non-hazardous violations

(e) Newly enacted laws and/or regulations

(f) Pedestrian and bicycle violations

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. The officer may store the vehicle per Policy - Vehicle Towing and Release.

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.

500.4.1 REQUEST FOR RE-EXAMINATION OF A DRIVER

Routine traffic enforcement and collision investigations can lead to the identification of drivers who have suspected incompetency, physical or mental disabilities, or other conditions that might interfere with their ability to safely operate a motor vehicle. Officers finding these circumstances should consider completing DMV form DS 427 - Notice of Priority Reexamination of Driver and Request for Regular Reexamination of Driver. The DS 427 form shall be completed and submitted per the instructions on the form.

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500.5 <STRONG>ROADWAY HAZARDS AND OBSTRUCTIONS</STRONG>

Roadway and roadside hazards can be contributing factors in a collision. Officers should remove hazards or warn motorists when it can be accomplished safely. In cases where a traffic signal becomes inoperative, the officer should immediately notify Dispatch to contact a repair technician. The officer should assess the situation and take appropriate action (e.g. additional signage, access to the signal control box, temporary traffic control, etc.) and/or contact public works for assistance with hazards or long term road closures.

500.6 HIGH RISK-UNKNOWN RISK STOPS

TRAFFIC STOP/UNKNOWN RISK GUIDELINES

An officer should consider the following guidelines when making traffic stops:

- Prior to all vehicle stops, notify communications of your intended stop location, the vehicle's license number or description and color of the vehicle, number of occupants and any other pertinent information that may be relevant in identifying the vehicle and/ or the occupants at a later date.
- Choose a stop location with tactical advantages. Consider traffic flow, pedestrian involvement, external lighting, and roadway conditions.
- Utilize the appropriate overhead emergency and cautionary traffic directing equipment. At night, utilizing the appropriate vehicle illuminating equipment.
- Police Vehicle Location - When stopping the vehicle, consider offsetting the patrol vehicle based on roadway conditions, about fifteen (15) feet behind the stopped vehicle. Turn the front wheels of the patrol vehicle in the direction you intend to approach the vehicle. Leave the vehicle engine running, the doors unlocked, and the driver's door cracked. Approach the stopped vehicle based on the position of the offset; keeping in mind the offset creates a safety zone. Officers may consider approaching on the passenger's side if they believe it is safer or provides a tactical advantage.
- Watch the stopped vehicle's occupants for ten to fifteen (10-15) seconds, looking for any furtive or unusual movements. Officers should request a backup officer as deemed necessary. Officers should consider moving to a tactical position of advantage and waiting for the backup officer.
- If the violator exits the vehicle, or makes any unusual movements, consider any applicable force options, immediately give verbal commands to the violator and move to a position of cover/advantage. If the violator fails to follow your commands, maintain or move to a position of advantage or cover and request an additional officer for back-up.
- When approaching, stay out of the view of the stopped vehicle's side mirrors. Check the trunk by pushing down on the lid to ensure it is secure and visually check the rear seat area. Officers should not pass between the front of the patrol vehicle and the rear of the stopped vehicle under most circumstances.
- Maintain a position of advantage when making contact with the driver or occupants of the vehicle.

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- When returning to the patrol vehicle, use a tactical return by not completely turning away from the vehicle. Stay outside the view of the stopped vehicle's side view mirror, be aware of approaching traffic, and keep the driver and occupants in view. While determining the appropriate course of action and checking on occupant information, officers should be aware of the violator's location and the surroundings. Consider writing a citation at the rear or passenger's side of the patrol vehicle. Writing citations from inside the patrol vehicle is discouraged by may be necessary at times due to weather. If you are inside the patrol vehicle, keep the interior lights to a minimum. Always write in a position that enables you to check the violator's position by making a slight eye movement.
- Officers should use the same level of safety and tactics when returning to the violator's vehicle.
- Notify communications of the disposition of the stop and ensure all appropriate records management system entries are completed.

HIGH RISK TRAFFIC STOP GUIDELINES

After confirming the reason, the vehicle or occupant(s) are wanted, officers should evaluate the need to conduct a high-risk traffic stop. Officers should consider the following:

- Seriousness of the crime(s)
- Availability of back-up
- Location at which to make the stop
- Tactics to be used after making the stop
- Number of suspects involved

When conducting a high risk stop, officers should follow the POST approved standards for conducting the stop. A minimum of two officers should coordinate their plan prior to making the stop. Ensure dispatch is notified of your location and request assistance if needed.

Ideally, the patrol vehicles should be placed to the rear of the suspect's vehicle at a position of advantage. Officers should refrain from parking directly to the side of or in front of the suspect's vehicle creating the risk of crossfire. Try to position the patrol vehicles side-by-side at the rear of the suspect vehicle, with the primary patrol vehicle on the left and secondary patrol vehicle on the right to create a triangular effect

If possible, one additional officer should move to the passenger side of the secondary patrol vehicle or remain to the right of the primary patrol vehicle, with their vehicle, providing cover for the other officers. This additional officer should consider arming themselves with a long gun to provide cover for the other officers. Officer should also consider formulating a dedicated arrest team and positioning them on the passenger side of the secondary patrol vehicle. A police canine should also be considered a resource that may be applicable based on the circumstances of the high risk vehicle stop.

Remain behind cover. Do not approach "high risk" vehicles. The primary officer should give verbal commands, establishing control of the occupants. Consider using the public-address system on

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the patrol vehicle. If the occupants fail to comply with the verbal commands, officers should prepare for aggressive actions by the occupants. Officers should then develop a tactical plan based on their training and experience.

Clear the vehicle one person at a time by providing simple instructions for exiting. Utilize visual clearing techniques before ordering the occupant to walk backwards towards the center of the primary officer's vehicle. The secondary officer is then responsible for securing this person. The primary and secondary officers then follow the same process until all visible occupants are out of the vehicle.

When it appears all occupants have exited the vehicle, clear it to ensure no additional occupants are hiding inside the vehicle. To begin the clearing process, the primary officer should continue giving verbal commands while the secondary officers tactically approach the vehicle. Consider using a canine to clear the vehicle.

500.7 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598). Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.7.1 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.

500.7.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests are assigned to every member who may in the course of their duties have the need to wear a high visibility vest.

Before going into service each employee shall ensure a serviceable high-visibility vest is included in their equipment. A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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500.8 TRAFFIC CONTROL/DIRECTION

USE OF TEMPORARY TRAFFIC CONTROL DEVICES:

Temporary traffic control devices include movable barriers, traffic cones, portable signs, and other apparatus intended for temporary deployment to assist with the safe and efficient movement and control of vehicular and pedestrian traffic. Temporary traffic control devices may be deployed only with specific prior approval of supervisory personnel. As soon as practical following termination of the need for the temporary traffic control device, the supervisor authorizing deployment of the device(s) will see to its removal or deactivation. Portable or part-time stop signs should not be used as temporary traffic control devices, except in an emergency.

Road Flares:Flares are kept in each patrol car for emergency use and may be used by the officer to control or guide traffic. Supervisors may issue extra flares from the supply locker in anticipation of inclement weather, or other situations which may require the utilization a large amount of flares.

MANUAL OPERATION OF TRAFFIC CONTROL DEVICES:

Manual control of traffic signals are controlled by the use of barricades, flares, and/or officers directing traffic. No traffic signal is placed on flash. In the event a signal is not operational, communications is immediately advised and make contact with the State agency or Public Works depending on the location of the outage, who will respond for repair. When signals are not operating officers monitor the intersection and erect temporary stop signs in all directions.

CONDUCTING TRAFFIC DIRECTION AND CONTROL AT CRASH SCENES

Officers will conduct crash scene traffic direction and control activities, as necessary, to protect the scene, clear the roadway, promote the safe and efficient movement of traffic in the vicinity, and prevent additional collisions. Crash scene traffic direction and control activities carried out by officers will conform to all applicable departmental policies and procedures.

CONDUCTING TRAFFIC DIRECTION AND CONTROL AT FIRE SCENES

The Department will continue to maintain its close working relationship with the Fire Department serving the community. It will continue to cooperate with them in developing and implementing plans and procedures for providing traffic direction and control to support fire ground operations. The fundamental task of this department’s personnel engaged in traffic direction and control services at fire scenes will be to maintain access to and egress from the scene for all fire and emergency vehicles, and to restrict access from the fire scene to all non-authorized vehicles.

The Department will work with the community’s fire department to develop specific protocols to insure other non-essential vehicles used by their personnel to reach the scene do not block access to or egress from the scene by fire and other emergency vehicles. No vehicles shall be allowed to cross fire hoses without the approval of the fire officer in charge. Parked vehicles that interfere with fire operations may be towed as needed with the approval of a supervisor. Police officers assigned to fire scenes, especially the first responding units, must ensure that they do not park their patrol units in such a manner that fire operations are hampered or disrupted.

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CONDUCTING TRAFFIC DIRECTION & CONTROL DURING PERIODS OF ADVERSE ROAD AND WEATHER CONDITIONS

A. The Department will continue to maintain its close working relationship with Public Works who share responsibility for coping with adverse road and weather conditions affecting traffic safety. It will continue to cooperate with them in developing and carrying out mutual assistance policies, procedures and programs to serve the public as effectively as possible when such adverse conditions exist.

B. Upon discovering an adverse road or weather condition, departmental personnel shall notify Public Works for the purpose of correcting the condition according to established City guidelines, erecting barricades, closing roadways, cutting down trees etc.

C. Public information officers will alert the public using social media to advise of adverse roadway conditions that may affect the public.

D. The Watch Commander may close a street if, in his/her opinion, the surface conditions and terrain are unusually hazardous. He/She shall request assistance from the street department in alleviating the problem and request public service radio announcements be made concerning the closure.

E. Officers will direct traffic and safeguard movement at the scene of downed power lines, broken gas or water mains, or at construction sites, when the situation endangers the safe movement of traffic.

UNIFORM HAND SIGNALS / GESTURES FOR MANUAL TRAFFIC DIRECTION

A. Manual Traffic direction: Personnel carrying out manual traffic direction and control will insure that their presence and purpose are well demonstrated to drivers and pedestrians, by:

Positioning themselves so that they can clearly be seen by all, usually in the center of an intersection or street, standing straight with weight equally distributed on both feet, allowing hands and arms to hang easily at the sides, except when signaling, and stand facing or with back to stopped traffic, and with the side toward traffic being directed to move.

B. Signals and Commands:

1. To Stop traffic: the officer should look directly at the person to be stopped until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture of the hand raised at the wrist so that its palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both directions on a two-way street the procedure is then repeated while maintaining the raised arm and palm toward the traffic previously stopped.

2. To Start traffic: Look directly at the person to be started until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture, with palm up, the pointing arm is swung from the elbow, only, through a vertical semi-circle until the hand is adjacent to the chin. If necessary this gesture is repeated until traffic begins to move.

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To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

3. When directing a right turn becomes necessary, the officer should proceed as follows: if the driver is approaching from the officer's right side, followed by swinging the extended arm and index finger in the direction of the driver's intended turn; if the driver is approaching from the officer's left side, either the same procedure may be followed utilizing the left arm extended

4. Left Turning drivers should not be directed to effect their movement while the officer is also directing oncoming traffic to proceed. Therefore, the officer should either direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is a gap in the oncoming traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into his turn.

C. Signaling Aids:

WHISTLE - used to get the attention of drivers and pedestrians. It is used as follows:

One long blast with a STOP signal

Two short blasts with the GO signal

Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal

NOTE: The whistle should be used judiciously. It should not be used to indicate frustration, but the volume should be just sufficient to be heard by those whose attention is required. Therefore, whistle blasts should be used to indicate stop, go, or to gain attention. When the purpose has been achieved, the officer should cease sounding the whistle. If the whistle is utilized continuously, it ceases to hold meaning for drivers and pedestrians.

FLASHLIGHT - can be used to halt traffic. To stop traffic, slowly swing the beam of the light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner, the vehicle's headlights providing illumination. Officers will use the department issued traffic cone, for use with the flashlight, whenever practical and appropriate.

Recognition of officer's directions: Occasionally a driver or pedestrian will not understand the officer's directions. When this happens the officer should move reasonably close to the person and politely and briefly explain his directions. No officer shall exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not wish to obey the officer's directions.

TRAINING

All newly hired officers will be instructed in traffic control during their field training program and will review this policy.

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500.9 ESCORTS

Agency members are authorized to conduct escorts of convenience with the approval of the Watch Commander. When conducting escorts involving oversized vehicles, officers are to use sound judgment in regards to the vehicle being capable of traveling on a specific roadway, while always insuring that the safety of the public.

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Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Pacific Grove Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY

The Training Sergeant will be responsible for distribution of the Collision Investigation Manual. The Training Sergeant will receive all changes in the state manual and ensure conformity with this policy.

501.2.1 INSPECTION OR SALE OF TRAFFIC COLLISION REPORTS AND/OR ACCIDENT PHOTOGRAPHS

Officers will advise those individuals involved in a traffic collision and who wish to get a copy of the report to wait at least seven (7) days:

(a) Persons, who have a recognized property interest, may be granted permission to inspect or purchase Traffic Collision Reports or photographs. These persons would include:

1. The driver of any vehicle involved in the collision
2. Legal guardians of person(s) involved in the collision
3. Parent(s) of a juvenile driver involved in the collision
4. A duly authorized representative (i.e. insurance carrier)
5. Injured person(s) in the traffic accident
6. Owners of vehicles or property damaged as a result of the collision
7. Person(s) who will likely be incurring civil liability as a result of the traffic accident

(b) Interested parties **-** Those persons who wish to inspect or purchase Traffic Collision Reports or photographs shall be properly interviewed to determine their interest in the matter prior to release or sale of reports or photographs.

(c) Proper release **-** If it is determined that the interested person(s) do not meet the criteria listed in items 1 through 7 in the information above, Records Section personnel shall not release any information or permit viewing of any photographs

(d) Special cases **-** Certain types of vehicle accidents may be of a controversial nature and may, by their very nature, be prejudicial if released prematurely.

1. In instances where photographs are requested and the photographs are in the below mentioned areas, the Operations Commander or his/her designee, or higher authority, will be responsible for approving release of such photographs.

   (a) All fatalities

   (b) All felony cases

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(c) Hit and run accidents

(d) All other cases where the Operations Commander or his/her designee places a written hold on the report

(e) Method of operations:

1. No fatal traffic accidents, major traffic accidents or high-profile traffic accidents shall be released without prior permission of the Operations Commander or his/her designee.

2. No report shall be released unless the report has been investigated, reviewed, approved and signed by a Supervisor, Operations Commander, or his/her designee.

3. A Supervisor, Operations Commander, or his/her designee may authorize the entire report, or any portions thereof, for release or prohibit its release.

(f) Should an involved party wish to contest the contents of a Traffic Collision Report, that individual shall be instructed to submit a written statement concerning the collision to the Operations Commander and the contested report shall be reviewed.

501.2.2 ALTERATION OF A REPORT

Once a report has been completed, approved, and filed with the Records Section, it shall not be altered. If it becomes necessary to record statements or facts in addition to those contained in the original report, a Supplemental Report shall be completed.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports shall be entered into the Records Management System by the investigating officer. The Records Section will be responsible for monthly and quarterly reports on traffic collision statistics, which will be forwarded to the Operations Commander or other persons as required.

Each traffic collision report shall be reviewed by the investigating officer's supervisor. Reports that are not complete or in error shall be returned to the investigating officer for correction or completion. After corrections are made, the supervisor shall indicate approval through the RMS system.

501.3.1 TRAFFIC COLLISION RESPONSE

The officer who is dispatched to handle a traffic collision should assume control of the incident unless relieved by a supervisor or the Operations Commander.. The following guidelines should be utilized when responding to any traffic collision:

Protect involved vehicles, personal property and involved persons from further collisions.

(a) Scene safety can be accomplished by placement of the police unit, traffic cones and/or road flares.

(b) Determine if there are injuries and/or fatalities as a result of the collision.

(c) Summon paramedics and render first aid, if necessary.

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When fire hazards/hazardous materials are identified immediately summon the Pacific Grove Fire Department.

(a) Protect all evidence and document the placement of vehicles.

(b) Be aware of potential conflicts between the involved parties and separate them, if necessary.

(c) Ensure that witnesses and involved parties are interviewed separately.

(d) Refer to Policy - Towing and Release of Vehicles, when moving vehicles that are a traffic hazard or incapacitated.

(e) Facilitate the clearing of the roadway and the resumption of the traffic flow.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the Operations Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the any supervisor and/or the Operations Commander.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

(a) When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Pacific Grove Police Department resulting in an injury or fatality, the Watch Commander, may notify the California Highway Patrol or any neighboring agency for assistance.

1. The term serious injury is defined as any injury other than a fatal injury which results in broken or dislocated limbs, severe lacerations, or unconsciousness at or when taken from the collision scene. It does not include minor lacerations.

2. It shall be the discretion of the Watch Commander to request outside assistance when the accident involves potential conflicts of interest (i.e. spouses or children of agency employees, members of our city government, etc.).

(b) Employee responsibilities when they are on-duty and/or in a city vehicle:

1. Notify the on-duty Watch Commander through Dispatch who will in turn call for someone to investigate the collision.

   (a) Officers shall not take an initial report involving their own accidents.

2. Unless safety requires it, do not move vehicles until a supervisor arrives.

3. Make no statements regarding the traffic collision to involved parties or witnesses.

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4. Immediately report any collision-related injury or illness to an immediate supervisor.

(c) Handling officer's responsibilities (PGPD officer):

1. Initiate the investigation of non-injury collision and report all available facts of the accident.
2. Consult with the on-scene supervisor to coordinate all information that has been obtained for the investigation (i.e. photos, evidence, statements, etc.).
3. Submit the investigation to their supervisor for review.

(d) Supervisor's responsibilities:

1. If applicable, arrange medical treatment for injured employee(s) and complete the City provided worker's compensation paperwork.
2. Advise the employee's supervisor.
3. Ensure the involved employee completes a Vehicle Damage Form.
4. Obtain applicable reports:
   (a) If incident occurred within the City of Pacific Grove, make sure the handling officer completes and submits the reports to the Operations Commander as soon as practical.
   (b) If the incident occurred outside the city limits, obtain a copy of all related reports (if available) and/or available case numbers.
5. The Supervisor is to make two copies of the Traffic Collision Report and any other related reports.
   (a) One complete copy goes to the Chief's office as soon as possible.
   (b) Retain a second copy to go to the Operations Commander for review.
   (c) All other original reports are to be submitted to the Records Section for proper disposition and processing.
6. Record damage to vehicle in Vehicle Damage log.
7. The Watch Commander shall notify the Operations Commander and Chief of Police.

(e) When a police officer is involved in any type of traffic accident outside the corporate city limits while on-duty or in a city owned or leased vehicle, he/she shall:

1. Notify the appropriate police agency to respond and handle the initial report.
2. Notify his/her immediate supervisor, who should respond to the scene.
   (a) If the immediate supervisor is unavailable, the Operations Commander shall respond to the scene, if practicable.
3. If the outside agency will not initiate an original report of a serious accident, the responding supervisor shall ensure that a designated officer responds to the scene and completes the initial report

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(f) In the event the employee is involved in a serious injury accident or fatality, all previous applicable sections of this order shall apply in addition to:

1. The Watch Commander shall respond to the scene.
2. The Watch Commander shall ensure that the employee's Operations Commander and the Chief of Police are immediately notified.
3. The Operations Commander shall be responsible for the assignment of the appropriate agency to conduct the traffic investigation.

(g) Records Section clerical responsibilities:

1. If an Incident Report, Arrest Report or Vehicle Impound Report accompanies the Traffic Collision Report; the Records Section personnel are to process the reports per existing procedure on a high priority basis. Upon completion of their processing, all original reports shall be submitted to the Operations Commander.

(h) The Operations Commander will evaluate and compile all available information and forward the results to the Chief of Police.

(i) In the case of preventable accidents, the severity of the accident, in addition to the driver's previous on-duty record shall be taken into account.

(j) All information will be supported by reference to facts obtained from the investigation and shall seek to identify the specific violations(s) causing the accident and if appropriate, list any corrective measures that may prevent a similar occurrence.

(k) Progressive discipline and retraining will always be taken into consideration. Recommended discipline could range from verbal reprimand, training, file entry, letters of reprimand, suspension and termination.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The 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.

It shall be at the discretion of the Watch Commander to request outside assistance when the accident involves potential conflicts of interest (i.e. spouses or children of city employees, members of our city government, etc.).

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

(a) In compliance with the Collision Investigation Manual, Traffic Collision Reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a Hit-and-Run Violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor

1. Death or injury to any person involved.
2. A hit-and-run violation where the driver and/or the vehicle can be identified and the report is made in a timely manner.
3. A juvenile is involved and the parents cannot be located.

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4. Vehicle Code violation occurred.

(b) An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision.

(b) When there is an identifiable violation of the Vehicle Code.

(c) When a report is requested by any involved driver.

(d) An intoxicated driver is involved.

(e) The collision involves a hit and run:

1. Minor Collision Damage - When the driver and/or the vehicle can be identified and the report is made in a timely manner.

   (a) If the employee is not certain whether or not a report needs to be taken, he or she should contact a supervisor. If there is not a supervisor available, the employee shall take the Traffic Collision Report.

2. Major Collision Damage - When a vehicle sustains major collision damage a Traffic Collision Report shall be taken.

(f) At the request of another local, state or federal government agency.

(g) At the request of a parent or guardian if an involved party is a juvenile.

(h) As directed by a supervisor.

NOTE: If none of the above conditions exist, the involved parties may exchange information at the scene as required by law. A department employee may facilitate the exchange of information by filling-out a Collision Report face page and providing a copy to each involved party. In this case, no report number is necessary; however, the original copy shall be submitted to Records for filing.

501.4.6 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS

A collision report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic collision report under this policy unless there is also a death, an injury, a vehicle code violation or request of either driver for a report.

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Pacific Grove Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.1.1 DEFINITIONS

Stored Vehicle - A stored vehicle is one that has been removed from a highway, public or private property, under legal authority, for the purpose of providing safe custody and is subject to an unconditional release. Ordinarily, when the Pacific Grove Police Department (PGPD) stores a vehicle on behalf of a citizen, the citizen is responsible for the charges.

Impounded Vehicle - “To seize and take into custody of the law or of a court” (Reference, Black’s Law Dictionary.) An impounded vehicle is one that has been removed from a highway, public or private property, under legal authority, and is subject to a conditional release or is being held as evidence. Attempts should be made to avoid impounding vehicles as evidence by completing CSI at the scene or safe to do so.

Impound for Investigation - When a vehicle has been involved in a hit and run accident and the driver has failed to stop or fled the scene of the accident (Vehicle Code § 22655(a)).

Impound for Evidence - When a vehicle is the subject of a search warrant, or in cases where the vehicle is an instrument in a serious crime such as assault with the vehicle (ADW), sexual assaults, kidnapping, homicide, etc. (Vehicle Code §§ 22655.5).

(a) A decision to hold the vehicle for further investigation should be predicated on a necessity to facilitate a proper investigation (i.e., search warrant, instrumentality of a serious crime, etcetera).

(b) Officers impounding vehicles as evidence shall obtain prior approval from a supervisor. The vehicle may be taken to an authorized PGPD service facility if evidence would be destroyed or harmed by weather, etc. Authorized PGPD service facilities shall be equipped to provide protection from the elements to preserve the integrity of evidence.

(c) Officers completing the CHP Form 180 shall check the Agency Hold box indicating "HOLD FOR INVESTIGATION," across the top of the CHP Form 180.

502.2 STORAGE AND IMPOUNDS

(a) When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

(b) When towing a vehicle with a valid Permit of Non Operation (PNO) or any vehicle from a publicly accessible private parking lot for vehicle parking or registration violations, the above notification process becomes mandatory.

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(c) The process of notifying the owner of a vehicle prior to towing does not negate the handling employee's option for citing the vehicle for the appropriate violation.

(d) If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately. In all cases where vehicles are stored or impounded, the license number and the Vehicle Identification Number shall first be checked through the Stolen Vehicle System to determine if the vehicle has been reported stolen or embezzled.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage if possible and a description of property within the vehicle if possible (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to a supervisor or the Watch Commander as soon as practicable for approval. The approved CHP Form 180 shall then be delivered to the Records Section as soon as possible.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official rotational towing garage for the City of Pacific Grove. The officer will then store the vehicle using a CHP Form 180.

502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.

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- 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.

In the event a vehicle is not towed, it shall be parked in a lawful manner and secured (if possible). The driver of the vehicle will be advised (if possible) by the employee that the city will not be responsible for any damage or theft that occurs if a vehicle is left at the scene at the owner's request. In such cases, the handling employee shall note in the report that the owner was/ was not informed that the Department will not be responsible for theft or damages and whether or not the vehicle was able to be secured and of the 72 hour parking restrictions.

502.2.4 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.5 RECORDS SECTION 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 Watch Commander for approval if approval has not already been obtained (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto CHP 180 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 Section to determine the names and addresses of any individuals having an interest in the vehicle through the DMV Database computers. Notice shall be sent to all such individuals by standard-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES

Pacific Grove Police Department will utilize rotational towing services in the following situations:

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(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

(d) When the vehicle is stored in conjunction with the arrest of the driver and/or the driver is unlicensed or has a suspended or revoked license.

502.3.1 "NO PREFERENCE" TOW SERVICES

The Police Department will assist citizens by calling dispatch and request and rotational tow. All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form if feasible. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle

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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.

The registered owner or the person in control of the vehicle must provide proof of vehicle insurance and supervisor approval before the vehicle is released.

502.6.1 RELEASE OF IMPOUNDED VEHICLE

(a) Vehicles impounded for serious investigations, such as a homicide, kidnapping, etc., shall be held until the case has been adjudicated and the appeals process has been exhausted.

1. In death penalty cases the vehicle shall be held until the defendant has been executed.
2. The Pacific Grove Police Department will impound the vehicle and submit a form to the District Attorney's Office who will assume responsibility for the vehicle impound.

(b) Vehicles impounded in any other types of criminal cases or pursuant to a search warrant will not be released until the case has been adjudicated and the court has determined the vehicle is no longer needed as evidence. The vehicle may be released under any of the following criteria:

1. Pursuant to a valid court order

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2. With the approval of the District Attorney's Office
3. With the approval of a Operations Commander or his or her designee

(c) In the event the vehicle was not introduced or filed-on in the criminal action or preceding, with the approval of a supervisor, the assigned case agent may release the vehicle to persons showing proof of ownership or their authorized agent.

502.6.2 RECOVERED STOLEN VEHICLES

(a) If there is a "Hold" on the vehicle, check with the appropriate agency for disposition.

(b) Attempts should be made to collect evidence on all stolen vehicles.

(c) When a stolen vehicle is recovered and it appears feasible that the owner can respond to pick it up, the employee recovering the vehicle and /or the Records Section shall ensure prompt owner notification to allow ample opportunity to pick up the vehicle.

(d) If the owner cannot respond within a reasonable time, the vehicle will be stored.

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Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Pacific Grove Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Patrol Operations Commanderwill generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Operations Commander. The hearing officer will recommend to the appropriate Operations Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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Impaired Driving and Evidence Collection

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Pacific Grove Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.3 INVESTIGATIONS

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.

504.4 FIELD TESTS

The Patrol Commander shall specify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

(e) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)).

504.5.1 CHOICE OF TEST

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

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If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2 BREATH TEST

The Patrol Commander should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Commander.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer’s belief shall be included in the officer’s report (Vehicle Code § 23612(a)(2)(C)).

504.5.3 BLOOD TEST

Only persons authorized by law to withdraw blood shall collect blood samples (Vehicle Code § 23158). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

504.5.4 URINE TESTS

If a urine test will be performed, the person 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 of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/

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her dignity, to the extent possible, while still ensuring the accuracy of the specimen (Vehicle Code § 23158(i)).

The collection kit shall be marked with the person's name, offense, Pacific Grove Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

504.6 REFUSALS

When a person refuses to provide a viable chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio-record the admonishment and the response if practicable.

(c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained; or

(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 in the person's blood stream. Exigency can be established by the existence of special facts such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practicable.

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(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Ensure the forced withdrawal is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(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 him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.7.2 STATUTORY WARNING

An officer requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.7.3 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised

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that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.7.4 PRELIMINARY ALCOHOL SCREENING FOR MINORS

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.7.5 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

504.8 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers 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. The Records Section should forward this to the prosecuting attorney as part of the case file.

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504.10 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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DRIVING UNDER THE INFLUENCE COST RECOVERY

505.1 PURPOSE AND SCOPE

This Policy provides guidance and direction regarding "Driving Under the Influence" (DUI) incident response cost recovery processes. Government Code (GC) Sections 53150 through 53158 establish a driver's maximum liability of $12,000 for the reimbursement of public agency response costs related to incidents caused by a driver who is under the influence of an alcoholic beverage and/or drug. Although permitted to do so by Penal Code (PC) provisions, the Department will not attempt to recover DUI incident response costs through the probation process. Additionally, the Department will not attempt to recover DUI response costs when assisting an allied agency during an incident covered by the law.

505.1.1 PROCEDURE

COST RECOVERY CRITERIA

The Department will seek to recover DUI incident-related costs for alcohol or a combination of alcohol and drugs provided all the following apply:

(1) An arrest was made for a violation of California Vehicle Code (CVC) Sections 23152, 23153, or a greater offense involving alcohol and/or drugs; and (2) The arrested party was determined by the investigating officer to have caused a response to an incident; and (3) A supporting evidential (Preliminary Alcohol Screening is insufficient) test with a Blood Alcohol Concentration (BAC) result of at least .08% or greater (breath tests must have two readings of at least .08%), or: (4) A commercial driver while operating a commercial vehicle has a supporting evidential test with a BAC result of at least .04% or greater.

A conviction for CVC Sections 23152, 23153, or greater offense is required when one of the following applies:

(2) A BAC test returns under .08% or under.04% where a commercial driver was operating a commercial vehicle. (2) A chemical test is positive for drugs only. (3) There is no supporting BAC test or drug test (i.e., a refusal). For the purposes of this program, it is considered a conviction when a case results in a plea of nolo contendre (no contest) to the original arrest charges of CVC Sections 23152, 23153, or greater offense involving alcohol and/or drugs but shall not be considered a conviction when a case is plea bargained to a lesser offense

505.1.2 RESPONSIBILITIES

Shift supervisors shall complete the Supervisor's DUI Incident Response Reimbursement Form for all incidents meeting the above criteria. The cost recovery criterion is separated into two separate sections on the Supervisor's DUI Incident Response Reimbursement Form: Section A and Section B. Section A shall be completed when the billing is based on arrest. Section B shall be completed when the billing is based on conviction. Only one section shall be completed per case.

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Completed Supervisor's DUI Incident Response Reimbursement Forms based on Section A shall be submitted to the Records Section and then forwarded to the contracted collections agency within ten business days of the incident.

Completed Supervisor's DUI Incident Response Reimbursement Forms based on Section B shall be forwarded to the Records Section Supervisor. The Records Section Supervisor shall retain the form and forward to the contracted collections agency within ten business days of receiving notice from the District Attorney or Superior Court of a plea of nolo contendre (no contest) or conviction to the original arrest charges of CVC Sections 23152, 23153, or greater offense involving alcohol and/or drugs.

505.1.3 RECORDING TOTAL STAFF HOURS

The following activities will be included in total staff time billing for which offenders are liable:

(1) Response Time of Police, Fire, and Public Works. (2) On-Scene: Investigation, Arrests, Detentions; Rescue, Extrication and/or Medical Treatment; HazMat Mitigation; and Hazardous Condition Mitigation. (3) Traffic Control. (4) Call Back. (5) Removal and Storage of Vehicle(s). (6) Field Sobriety Testing. (7) Chemical Testing. (8) Transportation. (9) Booking. (10) Follow-up Investigation. (11) Report Writing.

Supervisors completing the Supervisor's DUI Incident Response Reimbursement Form shall record the total number of staff hours involved in the incident response to the nearest ten minutes. For example: one hour, thirty minutes = 1:30. NOTE: Half-hour increments are recorded as :30 not :50. When more than one officer is involved, Supervisors will list each one by name and record the hours for each. Supervisors will also include time expended for incident investigation, vehicle storage, or in-custody activities by Corporals and Sergeants. Do not include their supervision time for these activities. Supervisors will document the Fire Department apparatus number and total Fire Department personnel assigned to the apparatus as well as Public Works personnel and Public Works equipment used to respond to the incident. Supervisors will add all officer hours in each category. If the number of personnel exceeds the number of lines available in each category, an additional form will be completed.

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Traffic Citations

506.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

506.2 RESPONSIBILITIES

The Patrol Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

506.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Patrol Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Commander may recommend dismissal of the traffic citation. If so, 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 Patrol Operations Commander for review.

506.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Section.

506.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Section. The Records Section shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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506.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

506.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

506.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Administrative Services Manager or Patrol Commander who will review written/documentary data. Requests for administrative reviews are available at the front desk of the Pacific Grove Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

506.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

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(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

506.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

506.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

507.1 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.

507.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority or is not in a properly equipped emergency vehicle, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

507.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

507.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

507.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by 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.

Only under exceptional circumstances should an officer use a unit's push-bars to move another vehicle. Such circumstances would occur when the safety of lives and/or the prevention of extensive property damage would necessitate the immediate moving of a disabled vehicle (i.e. a burning vehicle near-by flammable material, a vehicle in danger of causing a traffic collision, etc.). The use of a unit's push-bars to move another vehicle should not be done in place of utilizing a tow service, redirecting traffic, or using a cone and/or flare pattern.

(a) If practicable, when an officer opts to use a unit's push-bars to move another vehicle, the officer shall turn on the unit's MAV camera prior to making contact with the vehicle.

(b) The officer should attempt to get the permission of the person in control of the vehicle to have the officer move it to a safer location.

    1. If permission is not granted, the officer must weigh whether the benefit of moving it off the roadway or out of danger is greater than receipt of the permission.

(c) When utilizing a unit's push-bars the officer should determine if someone needs to steer the disabled vehicle and if the disabled vehicle has operational breaks to stop it.

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(d) The officer should take into account the type of vehicle needing assistance.

1. The ground level of the police unit's push-bars might be dramatically different from the bumper region of the vehicle needing assistance. Officers should not attempt to use push-bars on exotic vehicles such as Ferrari's, Porsche's, Lamborghini's or any other vehicle which sits lower to the ground than the police vehicle, or a raised vehicle where its bumper and the push-bars do not align.

507.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

507.3.4 EMERGENCY ASSISTANCE

Officers are not equipped or trained in fire-fighting or medical treatment beyond basic first-aid and CPR. Police responsibility at those types of incidents is assessment of the scene and public safety. Officers shall call the appropriate response unit and render assistance in the areas they deem most critical.

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72-Hour Parking Violations

508.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Pacific Grove City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

508.2 PARKING ENFORCEMENT

(a) Patrol personnel, including Parking Enforcement Officers, are authorized and responsible for enforcing parking laws under state and local law. Parking violations are to be issued on city of Pacific Grove Parking Citations, which include a duplicate format allowing for officer notes on the back of the department's copy of the citation and a pre-addressed violator's copy response envelope. Once issued, parking violations shall be turned-in at the conclusion of each work day.

(b) Electronic parking citations shall be issued on an official Pacific Grove Parking handheld device. Authorized parking personnel will electronically fill-in all necessary information as required in Vehicle Code § 40202. Once completed, a parking citation shall be securely attached to the vehicle. All electronic parking citation devices shall be returned at the conclusion of each work day and charged.

(c) When responding to complaints of parking violations and it is determined that signage or other markings are damaged, missing or otherwise inadequate to legally determine a violation, it is the responsibility of that employee to not issue a citation. The employee should attempt to notify the property owner of the requisite proper signage and refer the property owner to the Administrative Services Manager for further assistance.

(d) Records will forward all hand-written parking citations to the department's parking citation vendor for processing. Processing procedures will be followed in accordance with Vehicle Code §§ 40200, 400200.4, 40200.5 and 40200.6.

508.3 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Pacific Grove 72-Hour Parking Ordinance shall be marked and noted on the Pacific Grove 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.

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508.3.1 MARKED VEHICLE FILE

Parking Enforcement Officers maintains Marked Vehicle Cards. Parking Control Officers shall be responsible for the follow-up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

508.3.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section to immediately enter the vehicle into the SVS via CLETS (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or DMV Database. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

508.3.3 VEHICLE DISPOSAL

If, after 15 days from the notification, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post storage hearing has been made, the Department may provide the lien holder storing the vehicle with authorization on an approved DMV form to dispose of any vehicle which the lien holder has determined has an estimated value of $500 or less. Vehicle Code § 22851.3(h).

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Chapter 6 - Investigation Operations

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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 Pacific Grove 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

The Detective Bureau has the responsibility of handling criminal investigations that require special expertise, or because of their complexity or geographic considerations, do not lend themselves readily to completion by the patrol division.

Detectives will normally be called out, or assigned to investigate, the following types of cases:

(a) (a) Death of a violent or suspicious nature

(b) Rape or suspected rape

(c) Assaults that result in serious injury or death to the victim

(d) Armed robbery

(e) Kidnapping

(f) Hostage situations

(g) Carjacking

(h) Bombing or arson

(i) Burglaries when there is an attempt or confirmed entry and when physical evidence is at the scene that could lead to an apprehension.

(j) Bias incident involving any of the above crimes

(k) Investigations of child abuse, where immediate follow-up is necessary

(l) Serious incidents when a detective is required to take a written statement

(m) Any major disaster where detectives can assist in identification of victims or taking of statements

(n) Sensitive investigations involving Governmental or elected officials that are victims of a crime

(o) Any other incident involving follow-up investigations where the Patrol Supervisor may need assistance, as determined by the Patrol Commander.

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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:

  (a) An initial statement from any witnesses or complainants.

  (b) A cursory examination for evidence.

  (c) Observe all conditions, events, and remarks

(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.

RESPONSIBILITIES OF DETECTIVES:

Fully investigate any criminal matters assigned by the Patrol Commander or designee.

Conduct follow-up investigations, including:

(a) Review and analyze all previous reports prepared during the preliminary investigation, departmental records, physical evidence, and laboratory results

(b) Conduct additional interviews of victims, witnesses, and suspects

(c) Conduct surveillance activities

(d) Seek additional information through speaking with patrol officers, potential witnesses and informants

(e) Identify and apprehend suspects

(f) Determine involvement of suspects in other or related crimes

(g) Check suspects criminal history

(h) Prepare search warrants and affidavits

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(i) Plan, organize and conduct searches

(j) Collect physical evidence

(k) Prepare criminal complaints

(l) Prepare cases for prosecution

(m) Initiate a “second contact” with individuals involved in the investigations as required during a follow-up or as information develops

(n) Maintain contact with investigators of other departments, including the Monterey County District Attorney's Office, as required during an investigation

  (a) Refer all information regarding vice, narcotics and organized crime to the Commander for further investigation or referral to the appropriate law enforcement agency.

  (b) Provide technical or investigative assistance to the Patrol Division upon request of the Patrol Command

  (c) Maintain liaison while requesting specialized assistance from other law enforcement agencies or elements of the criminal justice system, such as the Monterey County District Attorney's Office, CHP, Monterey County Sheriff’s Department, PRVNT, DEA, ATF, FBI, Secret Service, etc.

(o) Periodically attend Patrol roll call to provide information in regard to wanted suspects, vehicles, etc.

(p) Develop information through interviews, interrogation and.

(q) Maintain liaison with area law enforcement agencies.

(r) Attend monthly meeting of area detective bureaus.

(s) Maintain neat, organized investigative case files.

The Patrol Commander shall review all reports of criminal activity on a daily basis. Reports that the Commander determines requires any type of follow-up investigation will be forwarded to the Detective Bureau.

Case assignments to investigators will normally be made on the basis of investigator skills, knowledge, expertise, and current caseload. Criminal investigations case assignments will be determined by the Patrol Commander.

The Patrol Commander shall be responsible for the accountability and maintenance of the Department’s Case Management File. The file is designed to function as an investigative case status control system. Every police action requiring a case report shall be recorded into the file. The following information shall be obtained from the Police reports and is recorded automatically into the Case Management File:

(a) Case number

(b) Offense

(c) Location

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(d) Date

(e) Initial Officer

(f) Detective assigned

(g) Status of case

(h) Date case is closed or turned in as a suspended investigation

(i) An investigative case file must be initiated and maintained on all cases assigned to a detective.

(j) Case files should contain a Supplemental Report which documents:

  (a) preliminary investigative report

  (b) Records of statements

  (c) Results of examinations or physical evidence

  (d) Case status updates

  (e) Any records, report, or information needed for investigative purposes

(k) Each detective will keep assigned active case files current, as well as updating the Supplemental Reports and stored in a manner such that, when off duty, the Patrol Commander, or another detective can find and refer to the case files, if necessary. The Patrol Commander will oversee all aspects of the investigation and periodically receive a verbal update concerning the ongoing cases.

(l) Once each week, the Commander shall conduct a case management meeting with the detectives. The detectives will be required to provide all pertinent information regarding their assigned cases.

(m) The Commander shall make a determination of whether a certain case shall be closed or continued.

(n) One of the following administrative designation shall be assigned to each case:

  (a) OPEN/SUSPENDED - all available leads have been exhausted, but the case has not been concluded and may be resumed at a later time

    (a) Prior to being placed in a specific status, the assigned detective is required to contact the victim (or complainant) to assure that the original report has all relevant information and if any additional information has developed

    (b) The information will be recorded on a supplemental report

    (c) Should the detective determine that there is new information, he will notify the Commander, who will then determine if the case should remain active

    (d) If, at any time after the case has been suspended, new information develops, the Commander will re-open and re-assign the case, preferably to the original investigating detective

  (b) CLOSED – the case has been concluded, which can be closed by arrest or closed by other

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(a) The Commander will make the final determination when to “close” a case

(b) The “closed” cases shall be kept in a secure location.

(c) Closed with an arrest, records will maintain RMS

(d) Closed with no arrest records will maintain a file

(o) The Commander will note the status of each case assigned, and report to the Chief of Police in a manner prescribed by the Chief.

Once the case is closed or suspended it should consolidated into the central records system.

600.3.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A Parking Enforcement Officer (PEO) and Animal Control Officer (ACO) assigned to any preliminary investigation of a municipal code violation, is responsible for all investigative steps making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. The PEO and ACO may request assistance of patrol staff at any time.

600.4 CRIME SCENE INVESTIGATIONS

Crime Scene Investigations can be performed by trained Pacific Grove Police Department personnel. The Patrol Supervisor will contact the Patrol Commander and request a Crime Scene Technician to collect evidence.

In major crimes, the Monterey County Sheriff's Office or Department of Justice may be brought in to assist with evidence collection and processing the scene. **(See Monterey County Sheriff's Office and Department of Justice Policies).** The California Highway Patrol may investigate major traffic collision or traffic fatality accidents. The Patrol Commander or Chief will need to request their service to process the accident. **(See the California Highway Patrol policy regarding Traffic Fatalities).**

600.5 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Patrol Commander or Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor. All high profile or particularly sensitive cases shall be brought to the attention of the Operations Commander and the Chief of Police in a timely manner for review and/or input.

600.6 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.

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600.6.1 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 Operations Commander. 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.

600.6.2 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.

(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.

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(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).

600.7 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

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 his/her own equipment, the member should note the dates, times and locations of the information and report the discovery

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to his/her 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.

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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 Pacific Grove Police Department seizes property for forfeiture or when the Pacific Grove 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 Pacific Grove 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 Pacific Grove 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).

601.3.3 SEIZED VEHICLES
Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

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.

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(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

601.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is 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.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

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(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.

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7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

601.7 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 (Heath 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).

601.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Pacific Grove Police Department shall not receive an equitable share from the federal agency of all or a portion of the

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forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

601.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Pacific Grove Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

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602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 TRAINING

Subject to available resources, periodic training will 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.

(b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

602.6 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 Patrol Commander 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.

602.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, 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

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circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (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.

602.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) 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, any other rights of a sexual assault victim pursuant to 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 § 697.04).

    2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (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).

602.8 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.

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If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.8.1 COLLECTION AND TESTING REQUIREMENTS

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). Generally, rape kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the sexual assault kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (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 shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). 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.

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(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) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.

2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the 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 of case evidence.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Patrol supervisor.

Classification of a sexual assault case as unfounded requires the Patrol 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.

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602.10 CASE REVIEW

The Patrol supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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Brady Material Disclosure

603.1 PURPOSE AND SCOPE

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

603.1.1 DEFINITIONS

Definitions related to this policy include:

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

603.2 POLICY

The Pacific Grove Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Pacific Grove Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

603.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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603.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

603.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

603.6 TRAINING

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

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Informants

604.1 PURPOSE AND SCOPE

This agency does not utilize informants. Any informants that arise are directed to the Peninsula PRVNT team housed in the Monterey Police Department or the Monterey County Sheriff Department by contacting Det. Sgt. Hoskins at 831-755-3773.

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Eyewitness Identification

605.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

605.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

605.2 POLICY

The Pacific Grove Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

605.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

605.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Patrol supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary by the Training Manager or Operations Commander.

605.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

605.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup

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to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

605.6.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

605.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

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(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

605.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

605.8.1 <B>DOCUMENTATION RELATED TO RECORDINGS</B>

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

605.8.2 <B>DOCUMENTATION RELATED TO BLIND ADMINISTRATION</B>

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

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Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

606.2 POLICY

It is the policy of the Pacific Grove Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall be the Division Commander. The Division Commander shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

No search warrants shall be served between 7:00 PM and 7:00 AM without specific written approval from the Commander or the Chief of Police. Video of the location shall be completed before and after the search is completed, if at all practical.

606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit

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it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

606.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The Commander shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

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(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released. Information on those persons shall be documented in the police report.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

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606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

TheDivision Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Division Commander. The Division Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Division Commander should ensure that members of the Pacific Grove Police Department are utilized appropriately. Any concerns regarding the requested use of Pacific Grove Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Division Commander is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Pacific Grove Police Department jurisdiction, the Division Commander shall approve and provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Pacific Grove Police Department when assisting outside agencies or serving a warrant outside Pacific Grove Police Department jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

606.12 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations. Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Pacific Grove Police Department to properly plan and carry out high-risk operations (surveillance, undercover, and decoy operations), including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Chief of Police has designated the Commander to be the operations director. The Commander will develop and maintain a risk assessment form to assess, plan, and coordinate operations. This form should provide a process to identify high-risk operations. The Commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Commander will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

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(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director. The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation. No operation shall be conducted without the approval of the Commander or Chief of Police.

608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. (MPRSRU)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines

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9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address safety issues such as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

(a) An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

(b) How all participants will be identified as law enforcement.

(c) Identity of the Supervisor in charge of the operation.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

Based on the outcome and actions taken by the officers, the Commander will determine if a report is required. If a report is required, the Commander will direct the involved officers on what type of report and which officer is responsible for completing it.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

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608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The Commander shall ensure that all participants are visually identifiable as law enforcement officers.

    (a) Exceptions may be made by theCommander for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

    1. It is the responsibility of the Supervisor to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

    2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

    3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 MPRSRU PARTICIPATION

If the Commander determines that MPRSRU participation is appropriate, the Commander and the MPRSRU supervisor shall work together to develop a written plan. The MPRSRU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the MPRSRU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

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608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible, including the Commander. This debrief may be separate from any MPRSRU debriefing.

608.11 TRAINING

The Training Sergeant should ensure officers and MPRSRU team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Interview Room

609.1 MINIMUM CONDITIONS

The Pacific Grove Police Department have two rooms designating for conducting interviews. One is designated for non-custodial interview and one is designated for custodial interviews.

INTERVIEW ROOMS

Non-custodial Interview Room:

This room is located in an unsecured area within the lobby of the police department. This room is utilized for conducting interviews of victims, witnesses, or suspects who are not in custody.

Custodial Interview Room:

This room is located in a secured area of the police department behind the evidence processing room. This interview room is utilized for custodial interviews of suspects. Under normal conditions, the detainee will not be restrained while in the interview room; the door will be secured from the outside while the interview is taking place. Males, females and juveniles will be separated from each other when placed into interview room unless extreme circumstances exist (for example, an infant and his/her mother may be placed in the interview room together) with permission from the Shift Supervisor or the Watch Commander. Officers/Detectives utilizing this interview room will document in their reports the date and time the suspect entered and exited the interview room as well as date and time any meals, drinks, restrooms breaks were given, if any.

MINIMUM CONDITIONS

Non-custodial Interview Room:

This unsecured interview room is furnished with a small couch, two chairs, and a small table for writing. Individuals interviewed in this room are permitted to use the restroom, and drink water when necessary and are not held in custody.

Custodial Interview Room:

The secured interview room is furnished with a desk and up to four chairs. Additional chairs may be furnished for the arresting / interviewing officer and his/her designees as appropriate, but should be removed upon exiting the interview room. Access to water, restrooms and other needs are the responsibility of the arresting/interviewing officer and should be provided in a timely manner or upon request by the detainee, victim, or witness.

At a minimum, the arresting/interviewing officer or his/ her designee will be in the interview room at all times with the detainee. Additional officers will be permitted in the interview room based upon the approval of the supervisory officer on duty and the circumstances surrounding the interview (Example-additional officer needed for translation). At no time will the number of officers/detectives exceed three officers.

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609.2 SECURITY CONCERNS

TIME RESTRAINTS

If a detainee, a victim or a witness is held in an interview room for a more than two hours, a ten minute break will be given. Breaks may be given sooner than the two hour time period if requested by the detainee, victim or witness when the request is reasonable and can be accomplished in a safe manner.

SECURING DETAINEES

No detainee, victim, or witness will be secured to an immovable object in the interview room. Should the detainee, victim, or witness require secure detention, he/she will be handcuffed.

1. **Weapons control:** officers will lock their weapons in the weapons lock box located in the sally port prior to placing a detainee in the secured interview room. Officers are not required to secure their weapons when conducting interviews in the non-custodial interview room located in the lobby of the police department.

2. **Panic or duress alarms**: the need for an immediate response can be accomplished via the emergency button on each officer's individual portable. In addition, for additional security, there is video and audio monitoring of the custodial interview room which can be accessed via the computer located within the evidence processing room.

3. **Access to the room and detainees (custodial interview)**: the arresting officer should not leave the detainee alone in the interview room, constant face to face supervision should be maintained. Any deviations from this will be approved by the Supervisory officer working. If permitted, the secondary officer shall monitor the detainee utilizing the audio/video equipment via the evidence processing room to ensure the detainee is never left unobserved. The door to the interview room should be kept closed and secured at all times when being utilized. A sign will be placed on the exterior of the secured interview room door to advise all employees that an interview is in progress.

4. **Escape prevention**: All doors in the custodial interview room area shall be kept closed to prevent any escape attempts. Face to face contact will also prevent escape attempts.

5. **Search of detainees**: All detainees will be searched prior to placement in the police car for transport. In addition, the detainee will be searched again at police headquarters. Should a detainee be brought in from the lobby, a search shall be undertaken prior to placement in the custodial interview room. All detainee property shall be logged and secured.

FIRE EMERGENCIES

Fire prevention for the interview rooms are handled by the Monterey Fire Department Fire Official and is accomplished via regular inspections of the building. Fire evacuation plans are posted on the wall outside the interview rooms and fire suppression could be accomplished via extinguishers for minor emergencies and evacuation for major incidents that would normally be handled by the Fire Department.

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In the event of a fire in an interview room, the closest officer should assess the severity of the fire and, if safely possible, extinguish the fire with one of the fire extinguishers in headquarters.

If the fire is too large or too involved to be handled with a fire extinguisher, the officer will immediately notify the communications center to dispatch fire equipment to headquarters to handle the fire emergency.

609.3 TRAINING, INSPECTIONS, AND INTERROGATIONS

TRAINING

Training for personnel with responsibility for detainees in temporary custody will occur during the field-training phase. Detainee custody is also covered at the Police Academy.

INSPECTIONS

The interview rooms will be inspected for cleanliness and to determine if any unsafe conditions exist. Any problems or deficiencies should be reported to the Watch Commander on duty immediately. In addition, the interview room will be inspected each time, prior to use, for all custodial interviews and inspected again after every interview is completed. The inspections shall be documented in the officer/detective's report.

INTERROGATIONS

Interrogations will be electronically recorded using audio/video equipment. If the audio/video equipment is unavailable or out of service, the interrogations will be recorded via body worn cameras and/ or digital voice recording. In many instances, officers utilize their body worn cameras in the field to conduct interviews and interrogations.

PROCESSING

The Pacific Grove Police Department does not have a holding facility. No detainees are booked or processed at the PGPD. All detainees are booked and processed at the Monterey County Jail.

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Criminal Intelligence Collection and Maintenance

610.1 PURPOSE ANS SCOPE

It is the policy of the Pacific Grove Police Department to collect, process, maintain and, under proper circumstances, disseminate suspicious incidents and both developmental and criminal intelligence information on individuals, groups, associations and organizations who or which are:

1. Subject of efforts to gather more information for legitimate law enforcement purposes; or
2. Reasonably suspected of definable criminal or terrorist activity.

This effort is necessary to suppress criminal and/or terrorist activity and thereby provide for the safety and security of persons and property within the City of Pacific Grove.

The purpose of this policy is to declare the intention of the Pacific Grove Police Department to comply with the standards established by the California Attorney General Guidelines, Code of Federal Regulations, Title 28, Part 23 and the Law Enforcement Intelligence Unit (LEIU) Criminal Intelligence File Guidelines. These standards strike the proper balance between the needs of law enforcement to collect, apply and share intelligence in a manner that protects an individual's Constitutional rights and right of privacy.

610.2 DEFINITIONS

Activity Which Endangers the Public: means any activity which is carried out on a scale which or in a manner which (or both) endangers the participants, any person observing or present during the activity on public or private property.

Criminal Activity: means any activity which violates federal statutes, state statutes, local ordinances or codes and is made a criminal act by such statutes, ordinances or codes.

Criminal Associate: means any person(s) who is reasonably suspected of knowingly supporting, assisting or facilitating criminal activity by a person(s), group, association or organization in any manner.

Criminal Intelligence File: means a file relating to a specific person, group, association or organization which contains criminal intelligence information that demonstrates a criminal predicate exists as to the person, group, association or organization. In this context "person" may include persons known to exist whose identities have not yet been ascertained.

Criminal Intelligence Information: means legally gathered factual data which has been analyzed to determine that it is relevant to the identification of or the criminal activity engaged in by person(s), groups, associations or organizations.

Criminal Intelligence System or Intelligence System: means the arrangements, equipment, facilities and procedures used for the gathering, analyzing, receipt, storage, access and dissemination of criminal intelligence information, criminal intelligence files, developmental

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information and developmental files, and the inter-jurisdictional pooling of the information contained in the individual agency files.

Criminal Predicate: means criminal intelligence information which supports the finding that there is reasonable suspicion to believe that a person(s), group, association or organization is engaged in definable criminal activity. This term is the standard by which the determination as to whether information may be used to create an intelligence file is made.

Developmental Information: means information about activity which endangers the public that is gathered for a legitimate law enforcement purpose.

Developmental (Temporary) File: means a file which contains developmental information on person(s), groups, associations or organizations which information is held and analyzed for a discrete period of time to determine whether a criminal predicate exists. Such files may also be known as "tips and leads", "working files" or "temporary files".

Legitimate Law Enforcement Purpose: means information about activity which endangers the public and is gathered by law enforcement to determine whether a criminal predicate exists which would support the creation of an intelligence file.

Need to Know: means a state of facts that supports the legitimacy of access to specific intelligence by a person with a right to know. The need to know must be pertinent to and necessary to the performance of a specific law enforcement activity.

Reasonable Suspicion: means the state of known information which establishes sufficient facts to give a trained law enforcement officer, criminal investigator or employee a basis to believe that a person(s), group, association or organization is engaged in definable criminal activity or enterprise.

Right to Know: means having the legal status that allows the party to have access to criminal intelligence information. 28 CFR § 28.20(e) imposes the qualification that the right to know must be in "the performance of a law enforcement activity." Such status may be based on status as a law enforcement officer, investigator or employee or may be based on a court order, statute or a binding judicial decision if there is a need to know.

610.3 DETECTIVE BUREAU FUNCTION

A function of the Detective Bureau is to collect, process, maintain and disseminate suspicious incidents and information on individuals, groups, associations and organizations reasonably suspected of definable criminal activity in order to suppress such activity. The objectives are to provide intelligence support for field operations with an emphasis on officer safety; and develop strategic intelligence assessments designed to:

(a) Identify criminal organizations which engage in, facilitate or otherwise support criminal activity which impacts the City of Pacific Grove;

(b) Identify individuals who engage in criminal activity which impacts the City of Pacific Grove;

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(c) Provide guidance on the best use of resources to provide for control of individual and organized criminal activity which impacts the City of Pacific Grove

(d) Provide insights into emerging crime trends which may impact the City of Pacific Grove. Collect, process and disseminate information related to suspicious incidents, which occur in/around the City of Pacific Grove; and

(e) To enable the Department to cooperate with and participate in local, state and national intelligence initiatives which benefit the citizens of the City of Pacific Grove.

610.4 DETECTIVE BUREAU RESPONSIBILITIES

It is the responsibility of all Departmental personnel to report any suspicious incidents or criminal intelligence relating to criminal or homeland security activities to the Detective Bureau Commander. The Commander is responsible for reviewing all reports submitted by department members pertaining to criminal intelligence and shall evaluate the need to assign an investigator to the case based upon the following:

(a) Nature of the intelligence/complaint.

(b) Validity.

(c) Availability of resources.

(d) Priority.

All complaints of criminal activity, including organized crime, narcotics, and vice shall be fully investigated by personnel from this agency.It shall be the responsibility of the Commander, after reviewing the initial intelligence/complaint information to evaluate the ability of this department to meet the investigative demands that the case will likely generate. If the Commander determines that the resources needed to conduct the investigation exceed the resources of this department, he/she may request additional investigative resources from any federal, state, county, or municipal agency that would likely aid in the investigation. Depending on the magnitude of the investigation, it may be appropriate for the department to turn over the investigation to one or more outside law enforcement agencies that are better equipped to investigate the allegations.

610.5 COMMAND AND CONTROL

The Commander shall be responsible for supervising the intelligence system and ensuring that these policies and procedures are enforced. The Commander shall meet with the Chief of Police at least once every six months or whenever the circumstances require. The purpose of this meeting shall be to inform the Chief of Police of the activities of the Detective Bureau and obtain guidance on issues that require executive level guidance. The Commander shall have overall responsibility for all aspects of the intelligence system, including the training of Departmental personnel and auditing of the system. This person shall also be responsible for reviewing files to determine whether they have source and content validity as well as determining whether the files are current. The training of Department personnel will be accomplished on an individual or group basis depending upon the needs of the Department and will cover this entire policy.

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610.6 CRIMINAL INTELLIGENCE FILES

Criminal intelligence files shall be created and maintained as to persons, groups, associations and/or organizations only when there is reasonable suspicion that the subject(s) is/are engaged in definable criminal activity. A criminal intelligence file is only useful if its information is reliable, accurate and current. The two critical components of information to determine these values are:

1. 1, The reliability of the source.
2. The validity of the content.

Criminal intelligence files shall be maintained for a time period not to exceed one year unless:

1. Before the one-year period has elapsed, it is discovered that the information upon which the determination that reasonable suspicion existed was inaccurate or illegally obtained. In such situations, the information which was inaccurate or illegally obtained shall be purged from the file and the file shall be reevaluated to determine whether the remaining information supports a finding of reasonable suspicion; if it does the edited file shall be retained, if it does not the entire file shall be destroyed.
2. Before the one-year period has elapsed additional information that supports the initial reasonable suspicion determination or demonstrates an additional criminal predicate exists comes to the attention of the intelligence unit. In such cases, a new one-year retention period shall start from the date of discovery of the additional information.
3. An intelligence file may be maintained for an indefinite period of time so long as there is information that demonstrates the continued validity of the criminal predicate or another criminal predicate within the last one years.

Excluded Material: Only lawfully collected information, based on a reasonable suspicion of criminal activity, should be stored in criminal intelligence files. Information that shall be specifically excluded from criminal intelligence files includes:

1. Information on an individual or group merely on the basis that such individual or group supports unpopular causes.
2. Information on an individual or group merely on the basis of race, gender, age, sexual preference or ethnic background
3. Information on an individual or group merely on the basis of religious or political affiliations or beliefs
4. Information on an individual or group merely on the basis of personal habits and/ or predilections that do not violate any criminal laws or threaten the safety of others
5. Information on an individual or group merely on the basis of involvement in expressive activity that takes the form of non-violent civil disobedience that amounts, at most, to a misdemeanor offense.
6. In no case shall Criminal Offender Record Information (CORI) or Department of Motor Vehicle (DMV) data be incorporated into the intelligence file (Title 11 CFR Section § 703). The CORI/DMV file shall be kept at a separate location from the intelligence file system.

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Information contained in intelligence files shall be collected only using legal means. Any information offered from any source which is known to have been or is learned to have been illegally obtained shall be rejected or purged from the intelligence file(s).

Intelligence files shall be maintained in a secure location which cannot be accessed by the public or agency personnel not assigned to the Criminal Investigations Division without the permission of Commander. Developmental files shall be maintained in the same secure location but separate from the intelligence files.

1. The secure area shall be physically separate from other areas.
2. All files shall be maintained under lock and key or, if electronic, password protected. File access shall be limited to personnel assigned to the Criminal Investigations Division unless another law enforcement officer or law enforcement agency employee has been granted access pursuant to another provision of this policy.

Each intelligence file shall be assigned a discrete number.

File contents rules:

1. Each file shall contain copies of the source documents which were the basis for the finding that reasonable suspicion (or a legitimate law enforcement purpose) existed.
2. When additional information is added to the file copies of source documents shall also be added.
3. Information placed in the file shall be labeled for source reliability and content validity prior to its submission for entry into the file. The Detective Bureau Commander or his/her designee will be responsible for approving all information contained in the file. Certain combinations of information standing alone will not support a finding of reasonable suspicion. (Examples would be an unreliable source which has provided information, and the content validity of which could not be judged or was doubtful). If reasonable suspicion has already been established from appropriate sources, then addition of information from an unknown source that cannot be judged as to content validity might be appropriate. It is difficult to justify adding information from an unreliable source that has doubtful or cannot be judged content validity to an existing file regardless of whether reasonable suspicion has already been established.

Source reliability is based on the accuracy and consistency of the information provided by a given source. The categories of source reliability are:

1. Reliable - the reliability of the source is unquestioned or has been tested in the past.
2. Usually reliable - the source of information can usually be relied upon. The majority of the information provided in the past has proved to be reliable.
3. Unreliable - the reliability of the source has been sporadic in the past.
4. Unknown - the reliability of the source cannot be judged; either experience or investigation has not yet determined authenticity or trustworthiness.

Content validity is an assessment of the truthfulness of the information provided by the source. The categories of content validity are:

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1. Confirmed - the information has been corroborated by an investigation or another reliable, independent source.
2. Probable - the information is consistent with past accounts or other information.
3. Doubtful - the information is inconsistent with past accounts or other information.
4. Cannot be Judged - the information cannot by judged as to its truthfulness because of lack of time to investigate it or its lack of relation to or corroboration by any other information.

Re-evaluation of criminal intelligence should be an ongoing process and each file shall be continually re-evaluated by the assigned investigator. This process will re-evaluate and cull the information that has no potential to become intelligence matter from the rest of the information. The process will be dynamic and unique to each "batch" of information. Each file shall contain the name of the person(s) who analyzed the information and a statement of the reasons on which that person(s) based his /her finding of reasonable suspicion (such reasons may include conclusions based on training or experience so long as the specific relevance of that training or experience is articulated). Each file should describe the definable criminal activity of which the file subject is reasonably suspected (or articulate the public safety concern that underlies the legitimate law enforcement purpose). Examples would include the following:

(a) Narcotics Trafficking.

(b) Unlawful Gambling.

(c) Loan Sharking.

(d) Extortion.

(e) Vice and Pornography.

(f) Infiltration of Legitimate Business for Illegitimate Purpose.

(g) Bribery.

(h) Major Crimes Including Homicide, Sexual Assault, Burglary, Destruction of Property, Auto Theft, Kidnapping, Robbery, Fraud, Fencing of Stolen Property and Arson.

(i) Manufacturing, Use, or Possession of Explosive Devices for purposes of Homicide, Mass Murder, Fraud, Intimidation, or Political Motivation.

(j) Threats to Public Officials or Private Persons.

(k) Gang Activity.

(l) Stolen Securities.

(m) Corruption of Public Officials.

Source documents should identify the agency, officer, and other identifiers such as case number, arrest number, etc. If open source documents were employed as part of the process of determining whether reasonable suspicion exists, copies of such documents and information that permits verification of the existence of the open source should be in the file. The file should contain all

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available identifying information which pertains to the file subject. A non-exhaustive list would include:

(a) The full name of the person, group, association or organization.

(b) Any aliases.

(c) Any nicknames or "monikers."

(d) Date of birth or historical information.

(e) Place of birth.

(f) Citizenship or membership data.

(g) Social Security number(s).

(h) Driver's license number(s).

(i) Physical descriptors including gender and ethnicity.

(j) Distinguishing marks, scars or tattoos.

(k) FBI, CII or any other criminal history identification numbers.

(l) Evaluations of violence potential or other officer/citizen safety information.

(m) Any other information helpful to identifying or locating the file subject. [In this connection, so called "non-criminal identifying information," which relates to anyone who is not a known criminal associate, should not be discoverable or searchable except as a "locator file" or "drop down" file under the name of the file subject.]

(n) In no case shall files be categorized, sorted or otherwise quantified by ethnicity or gender; these factors shall only appear as factors relating to the identifying characteristics of a person. If a group, organization or association has made gender or ethnicity a determining factor in the membership or association then that characteristic of the group, organization or association may be noted in the files pertaining to that group, organization or association.

(o) In no case shall Criminal Offender Record Information (CORI) data be incorporated into the intelligence file (Title 11 CFR Section § 703). The CORI file shall be kept at a separate location from the intelligence file system.

All source information in the file should identify the date of submission of the information, the submitting agency and the submitting officer or employee. If the information came from a source other than law enforcement the same information should be entered except that proper considerations should be given to protect the identity of confidential informants and citizen informants.

Intelligence files should contain "feedback" information that allows for the evaluation whether the accessed/disseminated intelligence was useful or not useful, accurate or inaccurate. Intelligence file information may be available to law enforcement officers or law enforcement agency employees who have both the “right to know” and “the need to know.” The access/dissemination rules shall be the same for intelligence files as those set forth for development files.

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610.7 DISSEMINATION/ACCESS RULES FOR CRIMINAL INTELLIGENCE FILES

(a) These files shall be accessed only on a need to know/ right to know basis in the performance of a law enforcement activity.

(b) The Commander or his/her designee shall determine who shall have access to these files.

(c) Access shall be granted in the secure area only and the file shall not be permitted to be removed from the secure area.

(d) Any printing or copying of any portion of criminal intelligence files shall occur only if the person in charge of the Detective Bureau or his/her designee approves.

(e) When a file is printed or copied, the recipient party shall be given the discrete number assigned to that file.

(f) In all cases when there is an imminent threat of harm to persons or property and information in these files, which might assist in preventing such harm, shall be disseminated to persons, agencies or other entities, public or private, who may be in such imminent danger or in a position to assist in preventing such harm.

610.8 PURGING OF CRIMINAL INTELLIGENCE FILES

Intelligence files shall be purged from the system using the rules for purge applicable to developmental files (refer to Policy Manual § 607.5.2) at that point in time when they are no longer current, accurate or otherwise reliable or when five years have expired without any additional information which could support the conclusion that the subject of the file is still engaged in definable criminal activity.

610.9 ANNUAL REVIEW OF PROCEDURES AND PROCESS REQUIREMENTS

(a) These files shall be accessed only on a need to know/ right to know basis in the performance of a law enforcement activity.

(b) The Commander or his/her designee shall determine who shall have access to these files.

(c) Access shall be granted in the secure area only and the file shall not be permitted to be removed from the secure area.

(d) Any printing or copying of any portion of criminal intelligence files shall occur only if the person in charge of the Detective Bureau or his/her designee approves.

(e) When a file is printed or copied, the recipient party shall be given the discrete number assigned to that file.

(f) In all cases when there is an imminent threat of harm to persons or property and information in these files, which might assist in preventing such harm, shall be disseminated to persons, agencies or other entities, public or private, who may be in such imminent danger or in a position to assist in preventing such harm.

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Every twelve months the Pacific Grove Police Department developmental and intelligence files shall be reviewed for compliance with these policies and procedures. Specific attention shall be paid to:

1. Whether all source documents are in the file.
2. Source information has been evaluated for source and content validity.
3. Whether a purge date has been established which is current and accurate.
4. Whether procedures and processes contained within this policy are in need of updating.

This review shall be conducted by the Commander. It shall be certified by him/her as a complete and accurate review or, if the file size is too great to be completely reviewed, a complete review of a representative sample of at least twenty (20) percent of the files shall be reviewed each year. When a percentage of the file only is reviewed a record of the control numbers of that percentage of the files shall be kept and the group of files shall not be reviewed again until the entire system has been reviewed. This review result shall be reported to the Chief of Police. If any files are found to be out of compliance with the requirements of these policies, those files shall be withdrawn from the system of which they are part, brought into compliance, and/or re-evaluated

610.10 SPECIALIZED EQUIPMENT

The Department will make available specialized equipment to support the intelligence-gathering function. Such equipment may include night vision devices, binoculars, cameras, cellular and audiovisual equipment, and unmarked vehicles. The Detective Bureau Commander will be responsible for controlling surveillance and undercover equipment owned or used by the Department.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 AGENCY-OWNED PROPERTY ISSUED/ REISSUE PROCEDURES

The Commander and/or the designee are responsible for issuing and Agency owned property and equipment relating to their function.

700.3 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.4 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property shall be made by submission of a memorandum detailing the circumstances of the loss, including reports, repair estimates and witness statements as applicable. The Memorandum of Claim submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

Reimbursement may only be provided if the loss or damage occurs during the course and scope of work. Reimbursement will not be provided if the loss or damage is a result of the employee’s own carelessness or inattention (i.e. driving away with property set on the hood of the car, sitting

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on glasses that were left on the seat of a chair, etc.). Damaged items shall be submitted with the claim requesting reimbursement.

Employees are strongly encouraged not to wear expensive items such as jewelry or watches to work, especially if the employee's work involves physical labor that further exposes these items to being broken or lost. The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work, unless previously authorized by the Chief of Police.

The supervisor shall direct the employee's Memorandum of Claim to the appropriate Operations Commander and shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

NOTE: When personal property is lost or damaged in conjunction with a Workers' Compensation claim, then an itemization of the lost and/or damaged property should accompany the claim. Workers' Compensation may reimburse for lost and/or stolen property in these types of situations.

700.4.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit and at a minimum prior to going off-duty.

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.

700.5 AGENCY-OWNED EQUIPMENT -OPERATIONAL READINESS

(a) The Commander and/or designee are responsible for maintaining stored agency property relating to their functions in a state of operational readiness. Operational readiness includes care and cleaning, preventative maintenance, repair, workability, and responsiveness.

(b) The Commander and/or designee will ensure all equipment designated for use in unusual occurrence (gas masks, riot gear, etc.) is inspected quarterly to insure operational readiness.

700.6 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.

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(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.

700.6.1 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 Patrol Commander.

700.7 AGENCY OWNED PROPERTY INVENTORY AND CONTROL

(a) The Commander and/or the designee are responsible for the inventory of Agency owned property and equipment relating to their functions.

(b) All agency-owned property will be entered into and tracked in the asset management system.

(c) Upon separation, employees shall return all agency-owned property previously assigned and/or provided to the employee to their respective division commander or designee.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and micro blogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Pacific Grove Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

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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 on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Written 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 while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) Employees are discouraged from using personally-owned PCDs for work-related activities. 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 Pacific Grove 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.

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Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

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(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

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. Even if the device is configured to allow hands-free listening and talking, inputting or reading text messages or e-mail while driving a motor vehicle is prohibited.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance. Employees shall ensure personal items, trash, and assigned equipment are removed from inside the vehicle at the end of the shift.

702.2 ROUTINE VEHICLE SERVICE

Patrol Section vehicles are to be scheduled for routine maintenance on a regular basis by city Mechanical Division.

In accordance with the fleet maintenance schedule, the city Mechanical Division is responsible for having vehicles scheduled for service. The Fleet Maintenance Detail will indicate the unit number and date of the vehicles to be serviced on the Fleet Maintenance Bulletin Board in the Briefing Room.

Parts and General Repairs - Whenever it is determined that a vehicle is in need of repair, it shall be brought to the attention of a supervisor and completing the city mechanical vehicle form.

Tow Service for a City Vehicle - Tow service will be available through the City's designated tow service on a twenty-four hour basis. Requests to have a City vehicle towed shall be authorized by a supervisor. All vehicles towed shall be noted on the Watch Commander's Log indicating the unit's number and location towed to.

702.3 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to city mechanical division for repair.

A vehicle's removal from service is subject to supervisory approval.

City Property Damage Report forms received and approved by the watch commander shall be placed in the designated file tray in the Patrol Sergeant's Office. If there is significant and/or suspicious damage to a vehicle, or property maintained in the vehicle, then a copy of the City Property Damage Report shall be forwarded to the Operations Commander.

All damage to vehicles shall be recorded in the Vehicle Damage Log binder maintained in the Patrol Sergeant's Office.

702.3.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

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702.3.2 SEVERE USE
Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.3.3 REMOVAL OF WEAPONS
All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3.4 SUPERVISOR RESPONSIBILITIES
When unreported damage to a vehicle is discovered, a supervisor shall, as soon as possible, initiate an investigation in order to determine the cause of the damage. Regardless of any other reports prepared documenting the circumstances surrounding the damage, the supervisor shall cause a City Property Damage report to be generated documenting all pertinent information. This damage shall be noted in the Vehicle Damage book maintained in the Patrol Sergeant's office.

When a supervisor becomes aware that the inventory items in a particular vehicle are damaged or missing, the supervisor shall determine the reason for the missing/damaged equipment and take the necessary steps to have the equipment repaired or replaced, and documented on the appropriate report(s).

702.4 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.4.1 SUPERVISOR VEHICLE
Supervisor's shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Command Board
- Shield
- Door Ram
- Trauma kit
- PiLit-Digital Flares
- Dog leashes
- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Fire extinguisher

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- 1 Gallon of water for flushing O.C. spray out of eyes
- 1 Life Preserver
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit (2 doses of Naloxone, 1 Finger print kit, Crime scene evidence bags and collection materials)
- 4 Traffic cones
- Automated External Defibrillator (AED)
- Roll-a-Meter

702.4.2 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Fire extinguisher
- 1 Gallon of water for flushing O.C. spray out of eyes
- 1 Life Preserver
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit (2 doses of Naloxone, 1 Finger print kit, Crime scene evidence bags and collection materials)
- 4 Traffic cones

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- Automated External Defibrillator (AED)
- Roll-a-Meter

702.4.3 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 6 Emergency road flares
- 2 Sticks of crayon or chalk in different colors
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit

702.4.4 PARKING ENFORCEMENT SCOOTER (PES)

An employee driving a PES shall ensure that the minimum following equipment is present in the vehicle:

- 2 Traffic cone
- 1 Fire extinguisher
- 1 Neon traffic safety vest
- 1 First aid kit/ CPR mask
- 1 Dog leash
- 1 Tool kit
- 1 Handheld stop sign
- 1 Flashlight

702.4.5 ANIMAL CONTROL VEHICLE

An employee driving the Animal Control vehicle shall ensure that the minimum following equipment is present in the vehicle:

- 1 First aid kit/ CPR mask
- 1 Traffic safety vest

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- 5 Dog leashes
- 5 Animal carriers
- 1 Animal stretcher
- 1 Catch pole
- 1 Long animal grabber
- 1 Animal net
- 1 Hand-held stop sign
- 1 Traffic cone
- 1 Flashlight
- 1 Pair of leather gloves
- 5 Garbage bags

702.4.6 MISSING VEHICLE EQUIPMENT

When an employee notices that items in a vehicle inventory are damaged, or there are items missing from the vehicle's inventory, the employee will notify a supervisor in a timely manner. Replacement of certain equipment normally contained in the vehicle may be obtained from the appropriate City personnel. However, the missing or damaged equipment shall not be replaced with items from another vehicle without the express approval of a supervisor.

702.5 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service without a full fuel tank. Vehicles shall only be refueled at the authorized location.

702.6 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall advise dispatch before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor. Employees should be cautious about leaving sensitive information in the vehicle while it goes through the car wash and is out of the sight of the employee.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this material.

702.6.1 VEHICLE DISINFECTION

Disinfection procedures shall be taken after blood or other bodily fluid discharges into a police vehicle.

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A supervisor shall be notified, and the vehicle shall be taken to the station as soon as possible. Depending on the circumstances and location of the vehicle, the Supervisor may elect to have the vehicle towed to the station.

The Supervisor shall determine if the vehicle is to be taken out of service, pending disinfection. If there is a small amount of blood or other bodily fluid, the Supervisor may elect to have the vehicle immediately cleaned by appropriate City personnel, and returned to service. The Supervisor shall ensure that proper disinfection procedures are adhered to, if the vehicle is to be immediately cleaned and returned to service.

702.7 PROFESSIONAL STAFF EMPLOYEE USE

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the “out of service” placards or lightbar covers at all times. Professional Staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Pacific Grove to provide assigned take-home vehicles.

This policy does not pertain to vehicles assigned to members of the executive staff. Executive staff vehicles are governed by the City Vehicle Use Policy and working agreements with the City Manager.

703.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

Members who operate Department motor vehicles shall possess a valid driver's license at all times. Loss or suspension of a driver's license shall immediately be reported to the member's respective supervisor.

703.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol. Members shall not smoke or use any tobacco or vaping products inside city-owned vehicles (see Policy 1006 Smoking and Tobacco Use).

Any member operating a vehicle equipped with a two-way communications radio, In-Car Computer and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

703.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the shift notes, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the shift notes.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the 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.

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The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented in shift notes.

703.3.2 OTHER USE OF VEHICLES

Training:

Members seeking to utilize a police vehicle for training shall send an email request to the Administrative Service Technician. The Administrative Service Technician with confirm availability of a vehicle and then get authorization from the Operations Commander or the Chief of Police. The Administrative Service Technician send an email notification to the requesting member with vehicle details and make a notation on the vehicle sign out sheet indicating the member's name, vehicle assigned, and date(s) of use.

Other Department Business:

Members seeking use of a vehicle for transportation to and from the maintenance yard, car wash, or other department business (ex. travel to the DOJ lab) may seek permission from the on-duty Watch Commander. The on-duty Watch Commander will verify a pool car is available by checking the vehicle sign out board before giving permission for the use of a pool vehicle.

703.3.3 UNMARKED PATROL CARS

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the Operations Commander.

703.3.4 IN-CAR COMPUTER

Members assigned to vehicles equipped with an In-Car Computer (In-Car Computer) shall log onto the In-Car Computer with the required information when going on-duty. If the vehicle is not equipped with a working In-Car Computer, the member shall notify the Communications Center. Use of the In-Car Computer is governed by the In-Car Computer Use Policy.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Operations Commander approval.

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All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.8 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PROFESSIONAL STAFF MEMBER USE

Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall prominently display the "out of service" placards or light bar covers at all times. Professional Staff members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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703.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.4 ASSIGNED VEHICLE AGREEMENT

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 Pacific Grove is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Pacific Grove may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. 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.The member must be approved for an assigned vehicle by his/her Operations Commander and shall sign an agreement that includes the following criteria:

(a) The member must live within a 30-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to the approval of the Chief of Police. Members who reside outside the permissible response time may be required to secure or garage the vehicle at a designated location or the station at the discretion of the Chief of Police.

(b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.

(c) In the event the take home vehicle is unavailable, the member may need to use his/her personally-owned vehicle to travel to and from work and any mileage is not compensable.

(d) City-owned vehicles shall only be used for work-related purposes and shall not be used for personal errands or other personal business unless approved by the Operations Commander or Chief of Police for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.

(e) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.

(f) The vehicle shall be parked in secure off-street parking or garage when parked at the member's residence.

(g) Vehicles shall be locked when not attended.

(h) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(i) All department identification, portable radios and equipment should be secured.

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(j) Vehicles will not be used when off-duty except:

1. When the vehicle is being used by on-call investigators.
2. When the vehicle is being used by the Chief of Police, Operations Commanders or members who are in on-call administrative positions.
3. When the member has received permission from the Chief of Police or Operations Commanders.
4. 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.
5. In circumstances when a member has been placed on call by the Chief of Police or Operations Commanders and there is a high probability that the member will be called back to duty.

(k) 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.

(l) The two-way communications radio, In-Car Computer and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(m) Unattended vehicles are to be locked and secured at all times.

1. All weapons shall be secured while the vehicle is unattended (25140 V.C.).
2. 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).

(n) 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.
3. All weapons and personal items shall be removed from the vehicle.

Members are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

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703.4.1 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) 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.

703.4.2 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.

703.4.3 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 Pacific Grove 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.

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703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Pacific Grove 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.

703.5 KEYS AND SECURITY

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see Policy 501 Traffic Collision Reporting.

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating a City-owned vehicle upon the toll road shall adhere to the following:

(a) All members operating a City-owned vehicle 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) All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the Commander within five working days explaining the circumstances.

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703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

704.1 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.

704.2 POLICY

It is the policy of the Pacific Grove 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. Staff shall also comply with City Council Policy 400-8 Cash Handling.

704.3 PETTY CASH FUND

The Chief of Police has designated the Police Administrative Services Manager as the fund manager responsible for maintaining and managing petty cash transactions. A petty cash fund for expenses is maintained by the City of Pacific Grove Finance Department. The Police Department maintains one petty cash fund of in the amount of forty dollars ($40), for the sole purpose of providing change for payment of various fees and fines collected at the front counter of the police station. At no time will this fund be utilized for expenses.

704.4 PETTY CASH EXPENSE REQUESTS

This agency does not maintain a petty cash fund for expenditures. If a member incurs an expense which is eligible for a refund, the member shall submit a petty cash request on a form approved by the City of Pacific Grove Finance Department, with invoices and receipts attached. The requesting employee shall sign the form and submit to the Police Administrative Services Manager for approval. Once approved, the form will then be submitted to the Finance Department for cash disbursement.

704.5 CASH COUNTS, TRANSACTIONS AND AUDITS

The ASM will insure that a Record Account journal is maintained daily. The journal shall identify the initial balance, credits, and the balance on hand. Members shall insure that a receipt is issued to each subject, from whom any type of payment is collected. The receipt shall note the date, case/file number (or a brief description of the document or file), the amount collected, and the name of the person collecting the funds The moneybox shall be locked in the appropriate receptacle when the last records clerk completes his or her assigned shift. Disbursements from petty cash are strictly prohibited.

At the end of each business day, all of the monies collected on that day and a reconciliation form shall be completed and sealed in a bank bag and delivered by the Administrative Technician or designee, to the Finance Office for deposit . A receipt shall be obtained from the Finance Office and

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logged with the matching reconciliation form. The ASM and any Administrative Service employee assigned to work records shall be authorized to accept payments.

704.5.1 RECORD FUND ACCOUNTING

At the beginning of each shift, the assigned front desk staff person shall ensure a starting balance of $40.00 is in the front counter Petty Cash fund drawer and shall document the count on a form approved by the Police Administrative Services Manager. Any discrepancy shall be reported immediately to the Records Supervisor and the Police Administrative Services Manager. On a daily basis, all agency cash activities shall be accounted for.

704.5.2 COLLECTION OF FEES AND FINES

As part of the day-to-day operation of the front desk, it is necessary to accept payment for various fines and fees. Payment is accepted in the form of cash, credit card, check, or money orders made payable to the City of Pacific Grove. The City of Pacific Grove Fee Schedule is approved by City Council and shall be followed when collecting payment.

704.5.3 RECONCILIATION

At the end of the day, the assigned front desk staff shall reconcile all collected payments with the City of Pacific Grove cashiering system. This includes the counting of cash, checks, and settling the credit card machine. All payments, receipts, and forms shall be submitted to the City of Pacific Grove Finance Department. All discrepancies shall be reported to the Records Supervisor and the Police Administrative Services Manager.

704.5.4 AUDITS

Annually, the City of Pacific Grove Finance Department will hire an outside auditing firm to review financial records and procedures. The Finance Department will also conduct random audits as they deem appropriate and as prescribed by state standards and policy.

704.6 PROCEDURE FOR WAIVING CONTESTED DEPARTMENT FEES

704.6.1 EMPLOYEE RESPONSIBILITIES

(a) The employee shall attempt to resolve the dispute by providing all information to the complaining party.

(b) If the fees are still contested the employee shall notify the Police Administrative Services Manager or in their absence notify the Watch Commander.

704.6.2 POLICE ADMINISTRATIVE SERVICES MANAGER RESPONSIBILITIES

Upon receiving notification concerning a disputed fee, the Police Administrative Services Manager shall review the circumstances and determine whether the fee should be refunded. If the Police Administrative Services Manager determines that the fee should be refunded, that information shall be forwarded to the Finance Department on the appropriate form. The decision of the Administrative Service Manager shall be final.

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704.7 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.

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Chapter 8 - Support Services

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Records Section

800.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Pacific Grove Police Department Records Section. The policy addresses department file access and internal requests for case reports.

800.1.1 NUMBERING SYSTEMS

Reports are categorized by a series of initials preceding the number sequence. The initials include:

(a) PG for general reports

(b) PC for information reports

(c) PA for accident reports

(d) PJ for arrest reports

(e) PI for Field interview cards

(f) PX alpha entries with no report (including notes on contact info)

These initials are followed by numbers commencing with the last two digits of the current year followed by a sequential number beginning with "1" starting at midnight on the first day of January of each year. As an example, case number PG 08-00001 would be the first new general police case beginning January 1, 2008.

800.2 POLICY

It is the policy of the Pacific Grove Police Department to maintain department records securely, professionally, and efficiently.

800.3 RESPONSIBILITIES

800.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Police Administrative Services Manager or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Section.

(b) Scheduling and maintaining Records Section time records.

(c) Supervising, training, and evaluating Records Section staff.

(d) Maintaining and updating a Records Section procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

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(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.

800.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by the Watch Commander.

(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).

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identify missing case reports are the responsibility of the patrol supervisors.

(g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under

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observation within seven calendar days of the precipitating event (Penal Code § 11108.2).

(i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

800.3.3 UNIFORM CRIME REPORTING

The Records Supervisor shall maintain procedures that assure case files generated are completed as appropriate and accounted for within Records

Department Supervisors will adhere to the report approval, submission and verification procedure for reports.

The Pacific Grove Police Department participates in the submission of Uniform Crime Reporting data to the State of California. The Records Supervisor is responsible for assuring reports are prepared and submitted within Department of Justice guidelines.

800.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Pacific Grove Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Records Supervisor. The Records Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Records Supervisor should forward the petition to the Operations Division Commander and Police Administrative Services Manager who will then confer with the City Attorney for review. After such review and consultation with the City Attorney, the Operations Division Commander and Police Administrative Services Manager shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

800.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Patrol Operations Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

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(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

800.6 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state 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 the secure electronic RMS system , accessible only by authorized members of the department. Access to case reports or files will be documented in the RMS tracking feature of the system that can be audited as needed. All authorized employees have unique user names and passwords to access the secure RMS system.

The Records Supervisor is responsible for limiting access to case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

800.7 ORIGINAL CASE REPORTS

Generally, original case reports are maintained electronically in the RMS system. Printing of the original case report will be documented in the RMS tracking feature. Should a a member of this agency need a copy of a case report for their work product, they may create a copy from RMS. No copies shall be made and/or provided to any other persons or entities. Should a member of the public or outside agency need a copy of a case report, they shall be referred to Records.

800.8 CONFIDENTIALITY

All authorized staff has access to information that may be confidential or sensitive in nature. 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 Section procedure manual.

800.9 REQUISITION OF SUPPLIES

(a) The supply of notice to appear, parking and warning citation books are stored in a secured cabinet in the records supply room.

(b) A log is maintained in records, and watch commanders are responsible for completing the log. The log entry shall include the citation numbers and officer name and ID.

(c) The original and pink copies of issued citations are turned into Records for processing. Information from the original citation is entered into RMS and forwarded to the appropriate court.

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(d) Citations which have been voided are also entered into the computer system following completion of the approval process described in Department policy in accordance with state law.

(e) Copies of citations, which are not part of any written report, are released only to the recipient of the citation for sign-off purposes if their copy has been lost.

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Restoration of Firearm Serial Numbers

801.1 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.

801.2 PROCEDURE

Care shall be exercised in handling and examining any firearm being held by this Department in order that it will not become contaminated or its evidentiary value destroyed.

The employee finding, or taking possession of, any firearm that is to be booked into evidence, is responsible for ascertaining its serial numbers. If the firearm has no serial numbers, the officer shall mark it in such a way that it may be readily identifiable. If marking is necessary, it shall be done in such a manner and location that will not damage the firearm, obliterate any possible latent fingerprints, or contaminate any other evidence.

Any firearm coming into the possession of the Pacific Grove Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

801.2.1 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.

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NOTE: All firearms are to be treated as being loaded until the firearm has been absolutely confirmed to be unloaded and rendered safe.

801.2.2 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.

801.2.3 OFFICER RESPONSIBILITY
The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

801.2.4 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.

801.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system. Photographs should be taken clearly showing the location where the serial number has been removed or obliterated.

801.3 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.

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Surrendered Firearms

802.1 PURPOSE AND SCOPE

To establish a protocol for the receiving of firearms surrendered to Pacific Grove Police Department by court order.

802.1.1 POLICY

Family Code Section 6389 provides that a person subject to a domestic violence protective order- as defined in Family Code § 6218, may be ordered by a court to surrender any firearm in his possession to the local law enforcement agency.

Family Code Section 6389 permits the law enforcement agency to charge a fee for the storage to the respondent based on actual costs related to taking possession of the firearm, storage and returning firearm per court order.

802.2 PROCEDURE

Since the individual is given a short period of time to comply with the court order, the police department should accept these firearm(s) 24 hours a day, per the following procedure:

(a) The relinquishment, the firearm(s) shall still be accepted. The subject shall be advised to return to the court of jurisdiction to obtain an expiration date and then return to the station with the amended court order.

1. Any professional staff member who receives a storage request should direct the individual to leave the firearm in their vehicle and have a police officer respond to accept the firearm.

(b) **STORAGE**. Extreme care shall be taken when handling and storing the firearm(s). No ammunition shall be accepted. If there is a clause in the restraining order to surrender magazines and/or ammunition the officer will document and package separately for storage.

1. No firearm(s) shall be sent to the Police Department's Main Evidence/Property Unit without documentation.

(c) **DOCUMENTATION**: An information report shall be drawn for: Family Code 6389 "Surrendered Firearm."

1. Two (2) photographs (one of each side) shall be taken depicting the condition of the firearm(s) at the time it was turned in and attached to the case.

2. A copy of the court order shall be attached to the case file. A computer (NCIC) check shall be completed on the firearm(s) and the individual when both receiving and releasing the weapons. If the weapon is found to be stolen, a criminal investigation shall be completed. The firearm shall be returned to the lawful owner upon their identification of the firearm and proof of ownership.

3. If it is determined that the individual is prohibited from possessing any firearm, the subject shall be entitled to sell or transfer the firearm to a licensed dealer as defined in section 12071 of the Penal Code.

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4. **If the weapon is found to be illegal to possess, it shall be confiscated per departmental policies and procedures.**

(d) **RECEIPT:** The officer shall provide the "RECEIPT AND NOTICE OF RIGHTS FOR CONFISCATED FIREARMS/ OTHER DEADLY WEAPONS," form.

1. Personnel receiving the firearm(s) are to complete section 4 and 6 of the Proof of Firearms Turned in or Sold (JCC form DV-800/JV-252), and make a copy of the form for the case file. The original shall be returned to the individual turning in the firearm(s).

(e) **RELEASE PROCEDURE**. The station property officer shall maintain a tickler file on the expiration date of relinquishment. This shall be updated if the court order is changed.

1. After the appropriate DOJ clearances are made, and determining that the individual can lawfully possess the weapons, the property officer shall contact the individual by telephone or certified mail to ensure the weapons(s) are returned within five days of the relinquished order.

2. In the event that the owner of the firearm(s) does not pick up the weapon(s pay the required fees within twelve (12) months, the firearm shall be dispositioned per department policy and Penal Code § 12028.5(d).

(f) **FEE**. A fee shall be charged according to the department's fee schedule for the entire length of storage unless the subject presents a court-certified Affidavit of Indigence.

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Records Maintenance and Release

803.1 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.

803.2 POLICY

The Pacific Grove Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

803.3 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 § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on 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 § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

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(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.

803.4 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.

803.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

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(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be

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provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

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(n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).

(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

803.6 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.

803.7 RELEASED RECORDS TO BE MARKED

Each records release shall be uploaded and attached to the case report, along with the original request showing the requestor's name.

803.8 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 § 951.91, Penal Code § 1000.4 or Penal Code § 1001.9, the Custodian of Records shall ensure that the required notations on local summary criminal history information and police

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investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

803.8.1 SEALING OF CRIMINAL RECORDS

The Police Department will seal criminal records upon court ordered sealing. All record's sealing so ordered shall become the responsibility of the Records Section Manager or his/her designee. Upon receipt of a bonafide court order to seal a criminal record, the records manager or his/her designee shall: (a) Complete the compliance section of the court order. (b) Mail a copy of the court order with a letter acknowledging completion of sealing to the Department of Justice, CII. (c) Mail the disposition letter to the court that has ordered the sealing.

803.9 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

803.9.1 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:

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1. The date of the notice.
2. Name and contact information for the Pacific Grove 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 Pacific Grove 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 Pacific Grove 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.

803.9.2 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 sufficient contact information. Substitute notice shall consist of all of the following:

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(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.

803.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work with police executive management, the City Attorney's Office and the District Attorney's Office, 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.

803.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

803.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

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(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation 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.

803.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

803.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with

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written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

803.11 JUVENILE RECORDS

Records involving juvenile suspects and/or wards of the court are confidential. The unauthorized release of information or records pertaining to juveniles may subject the releasing employee to criminal or civil liability, as well as possible disciplinary actions. Juvenile Records are contained in the Records Management System (RMS). The Custodian of Records and records staff, under direction from the Custodian of Records, are the only authorized personnel to release juvenile records. Records staff identifies juvenile records by reviewing the record for suspects and victims whose ages are listed as 17 and under.

(a) Juvenile records and information may be released to law enforcement agencies for law enforcement purposes and any persons as specified in the current “TNG Order” (and/or Welfare and Institution Code §827) signed by the presiding Juvenile Court Judge for the County in which the record was produced.

(b) All official reports, photographs, fingerprints, other identifying information and Summary Criminal History about juveniles, if obtained, shall be noted in the report. Relevant documents attached to the case or booked into evidence shall be available to authorized employees upon lawful request.

(c) Unless ordered by a court to expunge juvenile information, or pursuant to State statute, those records will be retained indefinitely, even upon the juvenile reaching adult age. If ordered by the court to seal or expunge records, the Custodian of Records will comply with the specific directions of that order and seal the record in RMS by removing access.

803.11.1 JUVENILE RECORDS PROCEDURE

The Custodian of Records may release, for governmental purposes, all available information regarding a minor to any of the persons, officials, or agencies, as specified in the current “TNG Order” and/or WIC §827.

EXCEPTION: Juvenile Arrest records on file may only be released by the Custodian of Records pursuant to a subpoena or court order.

(a) WIC §828 requires that any information gathered by the Department relating to the arrest of a minor may be disclosed to another law enforcement agency, or to any person or agency which has a legitimate need for the information for official disposition of a case. All available disposition information regarding the arrest must be disclosed along with other information.

(b) The Custodian of Records shall not release any information to a member of the public under the following circumstances:

1. If there is a reasonable likelihood that releasing the requested information would endanger a persons' safety or the success of an investigation

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2. In the case of a victim pursuing a civil remedy from an offender who is a minor, the minors name and address cannot be released until final disposition of the case has been made.
3. All requests for information made by the press should be referred to the Chief of Police.

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Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Pacific Grove Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

804.1.2 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Pacific Grove 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.

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any PGPD documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

804.1.3 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

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804.2 POLICY

Members of the Pacific Grove Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 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).

804.4 RESPONSIBILITIES

The Records Supervisor is the designated Criminal Record Security Officer for the Pacific Grove Police Department. The Records Supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of Criminal Offender Record Information (CORI).

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.

804.4.1 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Records Supervisor

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(b) Full-time employees of the Records Section

(c) Personnel specifically designated in writing by the Operations Commander.

804.5 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Pacific Grove 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.

804.5.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

804.6 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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804.6.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

804.7 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.

804.7.1 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, or visible to the public).

804.7.2 DESTRUCTION OF PROTECTED INFORMATION

When any document providing CORI or any other protected information has served the purpose for which it was obtained, it shall be destroyed by shredding. All protected information, which is to be destroyed, shall be placed inside a locked and secured “shred” box for destruction.

The Records Manager will be responsible for reviewing shredding procedures and recording the destruction of all protected information.

Each employee shall be responsible for destroying the CORI documents or any other protected information they receive.

804.7.3 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in Records, and on various computers throughout the Department. In order to preclude access by unauthorized persons, access to CORI is granted based on authorized

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usernames. No employee shall be authorized to operate computer terminal equipment with access to CORI until the employee has completed the appropriate training. Refer to policy 320 Information Technology Use.

804.8 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 authorized access and use of protected information, as well as its proper handling and dissemination.

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Computers and Digital Evidence

805.1 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.

The use of digital photography within the criminal justice system has become a popular tool used by law enforcement personnel, with widespread application in both civil and criminal matters. Concerns of admissibility and digital image manipulation have created legitimate ethical and legal debate, particularly in the prosecution of criminal offenders. If not regulated by strict internal policy and procedures, the integrity of an agency's entire property and evidence unit could be subject to scrutiny resulting in dismissal of criminal cases.

805.2 POLICY

There are ever-improving advances in the technologies of photography, audio and video recordings that are available to Pacific Grove Police personnel. As such, employees need to be aware that if they opt to record any source of information during the course and scope of their employment, these recordings become the property of the Police Department and are subject to the policies and procedures of this Policy Manual.

(a) All photographs, video or audio recordings taken at a crime scene or other incident become evidence and shall be booked, downloaded, or submitted in accordance with Policies 420 -Mobile Audio Video, 428 - In-Car Computer Use, 807 - Property Procedures, and § 805 - Digital Evidence Recorded by Officers, for placement into the Digital Imaging Software or other approved department media storage. The photos, audio, and/or video recordings should be referred to in the narrative section or CSI report of the Crime, Incident, or Arrest Report.

(b) All photographs, video and audio recordings taken at a crime scene or incident shall not be copied, transmitted or transferred without the prior approval of a supervisor.

(c) All employees are prohibited from taking any photographs, video or audio recordings at the scene of a crime or other incident for personal purposes.

(d) When possible, the taking of any photographs, video or audio recordings at the scene of a crime or other incident should be done by a CSI officer, Professional Staff, police officer, or detective.

    1. Employees are permitted to take photographs, video or audio recording at the scene of a crime or other incident if the scene and/or evidence is deteriorating or being changed from their original condition.

    2. If an employee opts to take any photographs, video or audio recordings under such circumstances, the employee shall notify the CSI officer, PSO, supervisor or the employee who has been assigned this task.

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805.3 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. What applications are running.
3. Who was using it at the time.
4. Who claimed ownership.
5. 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.

805.3.1 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

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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.

805.3.2 FORENSIC EXAMINATION OF COMPUTERS
If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

805.4 SEIZING DIGITAL STORAGE MEDIA
Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

805.5 SEIZING PCDS
Personal communication devices such as cell phones, 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.

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(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

805.6 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.

Only department-designated cameras should be used for documenting evidence. Using personal or non-department-issued cameras will result in property not recognizing the copyrighted image and deleting it.

Should extenuating circumstances require the use of non-departmentally-approved cameras, those images will need to be processed by Crime Lab personnel in a manner that allows them to be downloaded into Property as evidence. Prior to booking the images into the lab, contact should be made with Crime Lab personnel to ensure that such images are handled appropriately.

805.6.1 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.

805.6.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a paper envelope. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the evidence drop box..

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(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

805.6.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

805.6.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 POLICY

It is the policy of the Pacific Grove Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 ANIMAL CONTROL RESPONSIBILITIES

The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO shall be under the operational control of the Administrative Services Division.

Animal control services are generally the primary responsibility of Animal Control and include:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

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1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility, including the City Animal Kennels or the SPCA of Monterey County.

806.5 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure or onto private property for the purpose of removing a deceased animal. Members may refer the property owner to the SPCA or private removal companies.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

806.6 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If the animal is not wearing a collar, it should be scanned for a microchip. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

806.6.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

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806.6.2 INJURED WILDLIFE
Injured wildlife should be referred to the SPCA of Monterey County Wildlife Center or the Marine Mammal Center as applicable.

806.6.3 RESCUE OF ANIMALS IN VEHICLES
If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

806.7 ANIMAL CRUELTY COMPLAINTS
Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

806.8 ANIMAL BITE REPORTS
Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

In all incidents where an animal bites a person, breaking the skin, an Officer's Report shall be completed. Copies of all reports should be forwarded to County Animal Control.

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806.9 ANIMAL RELATED INCIDENT REPORTS

The Police Department may initiate a police report whenever the circumstances indicate a report is necessary. A police report may be appropriate in the following circumstances:

(a) All penal code violations involving animals.

(b) All incidents in which weapons or deadly force is used against animals or fowl.

(c) All aggravated complaints of barking dogs, leash law violations, property damage or other disturbances involving animals or fowl.

(d) All incidents of animals injuring or attacking people or suspected rabid animals.

806.10 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the police department kennels located in the city yard. Attempts should be made to identify and locate the owner by administrative staff and/or the ACO. If after 48 hours the owner has not been located or has not responded, the ACO or watch commander will transport the animal to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.11 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.12 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers will also document any actions taken, citation(s) issued, related report numbers, etc. In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency. All requests to call in the ACO must be approved by a field supervisor or the Operations Commander.

806.13 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured wildlife or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured wildlife shall only be euthanized with the approval of a supervisor.

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806.14 ANIMAL CONTROL VEHICLE EQUIPMENT

Animal Control Officers shall inspect the vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 1 Flashlight
- 4 Traffic cone
- 1 Handheld stop sign
- 5 Animal carriers
- 1 Animal stretcher
- 1 Catch pole
- 1 Long grabber
- 2 Animal nets
- 2 Pair of leather gloves
- 1 First aid kit
- 4 Dog leashes
- Disposable gloves
- Plastic garbage bags

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Property and Evidence

807.1 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.

807.2 DEFINITIONS

Chain of Custody- the chronological documentation of the seizure, custody, control, transfer (temporary or permanent), and disposition of evidence.

Damaged/Destroyed – property that has been documented as damaged or destroyed.

Evidence - material that has probative value in either tending to prove or disprove a material fact in a criminal or civil case. Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Found property - includes property found by an employee or citizen that has no apparent evidentiary value, where the owner cannot be readily identified or contacted,has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.

Property - the generic term for personal property that does not have evidentiary value and comes into the possession of a law enforcement agency as found, safekeeping, or property for destruction.

Property Officer – the generic term for the person assigned to the Property Room and charged with the responsibility for documenting, storing, retrieving, and disposing of property and evidence.

RMS – the law enforcement Records Management System (RMS) utilized by the Department to manage case reports, as well as property and evidence.

Safekeeping - is non-evidentiary property that is placed in the custody of a law enforcement agency for temporary protection on behalf of the owner, including:

- 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)

Sharps – Any object that can penetrate skin, including but not limited to, needles, syringes, scalpels, broken glass, knives or other sharp objects.

807.2.1 ACCESS TO AUTHORIZED EVIDENCE STORAGE AREAS

The property and evidence storage areas will be kept locked at all times. Members shall book property and/or evidence in the temporary locked evidence storage lockers and/or secure bulk

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storage area. The Property and Evidence Technician is responsible for transferring items of evidence from temporary storage lockers/areas into the property and evidence storage areas.

The only authorized persons allowed within the confines of the evidence-property room include the Police Administrative Services Manager and Property and Evidence Technicians. The property and evidence storage areas will be secured via an access control and alarm system accessible only to the Property and Evidence Technicians and the Police Administrative Services Manager. Any alarm activations shall be reported to the Police Administrative Services Manager and Chief of Police as soon as practical.

It will be the responsibility of the Property and Evidence Technicians to maintain a written log for any other department personnel or approved visitors entering the property and evidence storage areas (ie audits). Any department personnel or approved visitors shall be accompanied by a Property and Evidence Technician at all times.

807.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly marked, packaged, and placed in the designated property locker or storage room along with entering the items into the RMS property module. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

807.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off duty, unless otherwise approved by a supervisor, in writing. Employees booking property shall observe the following guidelines:

(a) Enter each item into the RMS property module, separately, listing all serial numbers, weights and other identifying information, such as the owner's name, specific details and/or markings. If one item is removed from another, it shall be noted (e.g. currency from a wallet). The removed item shall be entered separately.

(b) Photographs of the item, with the serial number clearly visible, shall be uploaded and attached to the case file.

(c) All serialized property shall be searched in both the RMS system and CLETS to ensure it has not been reported lost or stolen.

(d) Items shall be packaged in packaging materials provided by the Property Officer, with special attention to currency, firearms, knives or other sharp objects, narcotics, and biological fluids.

(e) All packaging must be sealed with clear packing tape, initialed, and dated. Additional labels such as "biohazard" or "sharp" shall be applied as needed.

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(f) Property barcodes shall be printed from the RMS property module and applied to the top right hand corner of each package, box, or envelope in which the property is stored.

(g) All property shall be secured in the department temporary storage lockers. If the item is too large, the packaging officer shall notify the Property Officer and secure it in the police warehouse located at the City Yard.

(h) Property receipts shall be left with the owner or possessor of the property. If the finder of found property would like to claim the item, the employee receiving the property shall issue them a receipt as notice of when and how to retrieve the item if it remains unclaimed.

The Property Officer shall remove items from the temporary storage lockers, log the chain of custody into the RMS property module, and book the item into the property room for storage.

807.3.2 NARCOTICS

All narcotics shall be booked using a separate property entry. Narcotics shall not be field tested. Paraphernalia, as defined by Health and Safety Code § 11364, shall also be booked separately from narcotics.

(a) The officer seizing the narcotics shall retain such property in his/her possession until it is properly photographed, weighed, packaged, tagged, and placed in the designated locker.

(b) All narcotics shall be packaged in a package of appropriate size. Plant-based materials shall be packaged in paper products, and all others in heat-sealed plastic, as provided by the Property Officer.

(c) If there are multiple suspects arrested and each suspect has drugs, narcotics and/or paraphernalia, the illegal items from each suspect shall be packaged separately and linked accordingly to the respective suspect.

(d) Different types of narcotics shall be packaged separately.

(e) After proper photograph documentation is taken of a loaded syringe, liquids shall be emptied into the appropriate DOJ lab approved capsule. All sharps and syringes that are confiscated for destruction or violation of Health an Safety Code § 11364 shall be photographed and documented (per Policy 814 - Computer and Digital Evidence) prior to being disposed of in a Sharps container. This evidence process shall be referenced in the Arrest or Incident Report. A syringe/sharp shall only be booked into evidence for major criminal/deoxyribonucleic acid (DNA) investigations such a homicides, officer involved shootings, rapes or assault with a deadly weapon. As with any case, there could be other circumstances that need to be considered, and the employee should seek input and guidance from their immediate supervisors or detectives.

1. Needles and syringes placed into evidence for criminal violations shall be placed in an evidence tube prior to booking into evidence.

   (a) The member shall write on the outside of the evidence envelope with a red marker in bold letters, “Biohazard.

2. At no time is an employee to try to recap or break a syringe/sharp as this may cause an extreme risk to their personal safety.

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(f) If narcotics are suspected to contain fentanyl, it shall be heat sealed twice, placed in an envelope and marked *suspected fentanyl.*

(g) The booking officer shall seal all packaging with tape, sign initials, and date, ensuring removal or tampering would be obvious.

(h) Drugs requiring submission for lab analysis shall be documented in a separate property record for sample. A photograph and BFS #2 envelope is required for all narcotics submitted as evidence for testing purposes. If confiscated narcotics weigh less than 1 lbs, a separate sample is not required.

807.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives and any fireworks will not be retained in the police facility.

Officers who encounter persons in possession of safe and sane fireworks shall advise the person to properly dispose of the fireworks in a jurisdiction that allows them.

Officers who encounter persons in possession of illicit fireworks shall refer the person to an authorized disposal service or the manufacturer.

Seized or forfeited weapons or explosives are not authorized for investigative or training purposes.

807.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. All property shall have a barcode in order to maintain accountability.The following items shall be processed in the described manner:

(a) **Bodily fluids** such as blood or semen stains shall be air dried, utilizing designated drying lockers, prior to booking. Decontamination procedures shall be strictly adhered.

(b) **License plates** found, not to be stolen or connected with a known crime, should be entered as an informational report, checked in CLETs, packaged and placed into the temporary storage lockers. License plates will be sent to the California DMV. Recovered stolen license plates should be entered into the Stolen Vehicle System.

(c) **Bicycles** and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The report number, item number, and property description shall be submitted to the Property Officer. The property shall be placed in the secure police warehouse at the City Yard.

(d) **Cash and coin** shall be counted in the presence of a secondary police employee and the envelope initialed by the booking officer and the secondary police employee. The Watch Commander shall be contacted for cash in excess of $1,000.

(e) **Digital Media** - All recordings, video, and other digital evidence shall be transferred to CD/ DVD, electronic storage device, or flagged in the applicable recording system as Evidence. All images shall be digitally attached to the case report or transferred to an

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electronic storage device. All physical storage devices shall be booked into Property and Evidence. Reference the Computers and Digital Evidence Policy

(f) **SART kits** shall remain sealed and placed in the assigned storage area as provided by the Property Officer. All SART kits shall be submitted to DOJ.

(g) **Chemicals** and hazardous liquids are to be released to authorized agencies only, such as HazMat, Department of Justice, or other qualified disposal companies, and if unknown, identified by chemical identification experts prior to removal.

(h) **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.

807.3.5 FIREARMS HANDLING

Anytime a firearm or other weapon is found, the potential for evidentiary value is crucial. All firearms shall be unloaded, cleared, and rendered safe before booking into the designated lockers.

(a) All firearms shall have a zip tie indicating the firearm is cleared and non-operable and must be photographed showing the serial number and model.

(b) All firearms shall be booked separately from ammunition, and tagged with the case report number, date, booking officer name, badge number, and description.Magazines shall be packaged in an envelope or bag. A property tag with a bar code shall be affixed to firearm on the trigger guard or other appropriate location.

(c) All firearms shall be packaged in a box specific to the firearms size to reduce cross-contamination.

(d) Photographs, serial numbers, and models shall be submitted to Records for verification and entry into the Automated Firearms System.

(e) Firearms discharged in a **homicide, drive-by shooting, or other serious crime** determined by the Watch Commander, shall be collected and processed by the Department of Justice or Monterey County Sheriff’s Office.

1. Unless approved by a supervisor, do not unload or alter the condition of the firearm. After processing and examination, the firearm may be unloaded and rendered safe by the Department of Justice of Monterey County Sheriff's Office representatives.

(f) Officers requesting firearms to be submitted to IBIS for ballistic analysis shall notify the Property and Evidence Technician.

(g) The Monterey County Sheriff's Crime Lab, upon completing the testing process, shall return the weapon, unloaded, to the property officer in one of the following two manners.

1. If evidence was obtained that should not be further disturbed, the weapon should remain packaged with cartridges placed in a separate envelope and tied down inside the box with the Property Tag securely affixed to the outside of the box.

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2. If no evidence was obtained, or it is not necessary to keep the weapon packaged, tie the Property Tag, along with any cartridges, to the weapon.

(h) When it has been determined there is no need for a weapon to be sent for forensic examination, the following guidelines will be followed:

1. Firearms shall be completely unloaded, packaged, and tagged in one of the following manners.

(a) **Rifles:** Place loose cartridges in an envelope and secure it, along with magazines and the Property Tag, to the trigger guard or other appropriate location.

(b) **Revolvers**: Place loose cartridges in an envelope and secure it, along with the Property Tag, to the revolver by leaving the cylinder open and placing a tie-down through the length of the barrel.

(c) **Semi-Automatics or Automatics:** Place the magazine and loose cartridges in an envelope and secure it, along with the Property Tag, to the semiautomatic or automatic by locking the slide open and placing a tie-down through the ejection port and out the handle.

2. Other weapons should be packaged and tagged appropriately.

807.3.6 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). The firearms shall be unloaded prior to being booked into the temporary property lockers. Relinquished firearms shall be retained for 30 days, after which time they may be destroyed under the following conditions:

(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.

Firearms surrendered by the owner for destruction shall be retained for 30 days prior to destruction. All other firearms surrendered to the Pacific Grove Police Department will be retained for 180 days, prior to destruction.

The Property Officer shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section Policy).

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807.4 PACKAGING OF PROPERTY

The following items require special consideration and shall be packaged separately:

(a) Narcotics

(b) Firearms, unloaded and separately from ammunition.

(c) Property with more than one known owner

(d) Paraphernalia as described in Health and Safety Code § 11364

(e) Contraband and Illegal Weapons

(f) Knives and other edged weapons

(g) Currency

(h) Biological Material

807.4.1 PACKAGING CONTAINER

Employees shall package all property, in a suitable container available for its size, utilizing supplies provided by the Property and Evidence Technician. Knife boxes should be used to package knives (excluding folding knives), and syringe tubes shall be used to package syringes and needles. A barcode shall be affixed to the exterior of the packaging by the booking officer.

Items packaged unsafely or incorrectly may be rejected by the Property Officer.

807.4.2 KNIVES/SYRINGES/SHARP OBJECTS

(a) Contraband such as exposed fixed blades will be secured in a cardboard knife box.

(b) Syringes used in a violent crime or as a weapon, shall be packaged using a syringe tube.

(c) Syringes containing suspected narcotics shall be photographed, contents shall be deposited into a DOJ capsule, and the empty syringe placed into the sharps container for destruction. The capsule shall be sealed with tape and placed into an evidence envelope.

(d) Syringes that are not evidence are not to be booked into property, They are to be placed in the appropriate sharps container for destruction.

807.4.3 PERISHABLE GOODS - BUSINESS COMMODITIES

Items secured as evidence, which are either perishable items and/or minor consumer sales items, may be released to lawful owners in the field subsequent to the following guidelines. Typical items in these categories may include fresh meat, food products (i.e. items taken resulting in Penal Code § 488 citations shall be photographed and released to the owner at the scene).

(a) Where circumstances indicate, legal owners should be advised to maintain possession and control of the property until court disposition (excepting perishables).

(b) When a supervisor is unavailable and a question arises as to the advisability of releasing certain evidence in the field, the officer shall secure and formally book the property.

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(c) All items (of evidentiary value) subject to field release shall be processed as follows:

1. Attach case report numbers and identifying information of the case in a visible location upon the property.
2. Secure ample color photographs of property for court presentation purposes (i.e. comparative size, color, texture, identifying numbers, sales tags, etc.).
3. List property secured as evidence on a Property Receipt and have the receiving party complete the "Release data" section on the Property Report.
4. Submit CSI photographs and the Property Receipt with the original report.
5. Specifically note in the original crime report that the property involved was secured, identified, photographed and released to the lawful owner(s) at the scene and/or disposed of if no owner is present.

807.5 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall record his/her name, the date and time the property was received and where the property will be stored in the RMS Property module. Any changes in the location of property held by the Pacific Grove Police Department shall be noted in the RMS Property module.

807.5.1 RIGHT OF REFUSAL

The Property Officer reserves the right to refuse any item that is not packaged in accordance to this policy. The Property Officer shall provide an explanation upon refusal and the booking officer shall re-submit.

807.6 PROPERTY CONTROL

Each time the Property and Evidence Technician receives property or releases property to another person, he/she shall enter this information in the RMS Property module and shall record the transfer of evidence on a property receipt.

807.6.1 PROPERTY AND EVIDENCE TECHNICIAN'S RESPONSIBILITY

The primary duties of the Property and Evidence Technician are the oversight, control, and security of property and/or evidence coming into the possession of the Pacific Grove Police Department. Additional responsibilities include but are not limited to:

(a) Receiving property: The responsibility for storing property booked in as evidence and the maintenance of records pertaining to the continued possession of the evidentiary item.

(b) Receives property.

1. Directly from the officer (with accompanying forms),
2. Directly from the temporary evidence lockers.

(c) Prior to booking property, the property officer shall ensure that the appropriate report number is conspicuously "tagged" to the property prior to further processing the property.

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(d) The Property and Evidence Technician shall ensure that the required information is correctly entered into the Automated Property System by the Records Section.

(e) Store property in areas specifically designated for placement.

(f) Maintains an adequate and current file system that will provide prompt access to all property and evidence under the control of the Property and Evidence Technician

(g) The security of the Property Storage rooms and other designated areas where property and evidence is stored.

(h) The receipt and/or release of property from the Property Storage room or the front desk.

(i) Releasing property: Ensuring that the release of any item is properly authorized and the person receiving such items has a legal right to the property and/or evidence in question.

An individual shall sign a release to acknowledge receipt of any item.

(a) Only the Property and Evidence Technician, or his/her specific designee, may release property.

(b) Ensure that the RMS maintains an internal audit each time any evidence is released to an authorized city employee and subsequently returned to the Property and Evidence Technician.

(c) Found bicycles, which have been held for a period of ninety (90) days and the owner is not identified and/or fails to claim the property, will be disposed of, donated or sent to auction

(d) Property qualified to be released shall only be released to the owner or a person from whom custody of the property was originally obtained.

Maintaining records of all found property or property other than evidence turned in for safekeeping. The final disposition of property will be according to law.

807.6.2 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the RMS property module and on the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or Booking Officer.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Officer. This request may be filled out any time after booking of the property or evidence.

Property being requested for Court shall be requested at least three (3) days prior to the court date to ensure that arrangements may be made.

807.6.3 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the RMS system and request for laboratory analysis.

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The Property Officer releasing the evidence must complete the required information on the property in the RMS Property module. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be attached to the case.

All written reports and results from the laboratory shall be attached to the case report. The Property Officer should submit a written request, as a part of the evidence lab submission to request a written report of laboratory findings.

807.6.4 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the RMS system stating the date, time and to whom released.

The Property Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property shall be recorded on the chain of custody form and in the RMS system indicating date, time, and the person who returned the property.

807.6.5 AUTHORITY TO RELEASE PROPERTY

The Property and Evidence Technician shall authorize the disposition or release of items taken in as Found Property or Safekeeping.

The District Attorney's Office, the detective/officer, Judge or Commissioner shall authorize the disposition or release of items taken in as Evidence. The Chief of Police and Judge or Commissioner shall authorize the destruction of all firearms and contraband, including illicit narcotics.

807.6.6 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property, items taken in as safekeeping, or evidence not needed for an investigation.

Release of all property shall be documented on the chain of custody form and attached in the RMS Property module.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days and property submitted as safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public

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auction, donated, recycled, reinstated for City use, or destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in the RMS Property module.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original chain of custody form. After release of all property entered on thechain of custody form, the Property and Evidence Technician shall update the RMS Property module, and attach the form to the case.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

TheProperty and Evidence Technician should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

807.6.7 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)).

807.6.8 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property and Evidence Technician, under the supervision of the Administrative Services Manager, will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code 11364.

807.6.9 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Property Officer shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

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807.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

807.6.11 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 Pacific Grove 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.

807.6.12 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

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807.7 DISPOSITION OF PROPERTY

Unless ordered released by the court, evidence shall be held until the case is fully adjudicated, or past the statute of limitations. The Property Officer shall request a disposition or status on all evidence which has been held in excess of 120 days, for which no disposition has been received by the District Attorney's Office or investigating officer. If the owner has not been located or fails to claim the property, the property may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal.

807.7.1 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)
- 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)

807.7.2 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.

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807.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Technician 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 Operations Commander

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Technician, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Operations Commander.

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 from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the Operations Commander should be consulted and the sexual assault victim should be notified.

807.7.4 ABANDONED PROPERTY

When a police employee takes possession of what appears to be abandoned property, particularly property that appears to belong to a transient, the following guidelines shall be followed (U.S. 9th Circuit Court of Appeals in Lavan v. City of Los Angeles (2012)).

(a) Prior to seizing the property, attempt to contact identify and contact the owner to take possession of their property.

(b) If an owner is unable to be identified the employee shall create a report documenting:

1. Whether identifying owner information was found
2. Why they believe it is abandoned
3. Where the property presents an immediate threat to public safety
4. Whether the property contains evidence of a crime
5. Whether contraband is present

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(c) If the property does not pose a threat to public safety and appears to be abandoned, notice shall be prominently placed, describing the property and to contact the police department to claim.

(d) If the property is not evidence and does contain contraband, the property shall be booked and held for a minimum of 90 days prior to destruction.

807.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a semi-annual basis, the supervisor of the Property and Evidence Technician shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(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 the Property and Evidence Technician or new Chief of Police.

(c) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(d) An annual audit of evidence held by the Department shall be conducted by a Operations Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

807.9 PRESCRIPTION DRUG BIN

Prescription drugs brought in for destruction shall be deposited directly from the community member into the bin located in the Police Station Lobby. The Property Officer will remove collected items, in the presence of a second employee with recorded video. Collection shall be documented in an information report, sealed, signed, weighed and stored in the Property Room for destruction.

807.10 INFESTED PROPERTY

Any item that is suspected of being infested by bugs or vermin shall not be booked into the Pacific Grove Police Department temporary evidence storage lockers. The item may be properly marked and stored in the city yard garage. Proper notification shall be made to the property officer advising of the condition of the bag so that proper safe handling precautions are used.

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Communication Operations

808.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the County of Monterey Emergency Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

808.2 POLICY

The police department has contracted with the County of Monterey Emergency Communication Center to provide 24-hour telephone service to the public for information and for routine or emergency assistance. There is continuous 24-hour communication between the Department and the Communication Center via two-way, base, mobile, portable radios, and telephone with all on-duty personnel. This department shares a radio channel with the Monterey Police Department. Telecommunicators handle all communications between both agencies as well as fire and medical emergency dispatch.Telecommunicators have the ability to contact numerous interacting agencies via their radio consoles and transfer buttons, if they are unable to reach an agency via radio, they contact the agency via telephone.

808.3 COMMUNICATIONS CENTER SECURITY

The County of Monterey Emergency Communications Center function is vital and central to all emergency service operations. The Communication Center must have a high priority for the safety and security of the Communications Center, its members and its equipment, transmission lines, antennas, and power sources. Access to the Communications Center shall be limited to comCenter] authorized personnel.

808.4 RESPONSIBILITIES

808.4.1 COMMUNICATIONS CENTER SUPPORT

The Communications Center is responsible for dispatching calls for service for the Pacific Grove Police Department.

The responsibilities of the Communications Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Communications Center

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

(e) Recordings shall be maintained in accordance with the established records 90 day retention schedule and as required by law.

(f) Processing requests for copies of the Communications Center information for release.

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(g) Maintaining the Communications Center database systems.

(h) Maintaining and updating the Communications Center procedures manual.

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.

(i) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(j) Maintaining a current contact list of City personnel to be notified in the event of an emergency.

808.4.2 ADDITIONAL PROCEDURES

The Communications Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings for a period of (90) ninety days.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (back-up rescources e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).

(j) Handling misdirected, silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.

808.4.3 DISPATCHERS

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

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2. Business telephone lines, after normal department business hours.
3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(e) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

(a) Vehicle pursuits.

(b) Foot pursuits.

(c) Assignment of emergency response.

When a call for fire, ambulance, or any other emergency agency is received, the telecommunicator should ascertain pertinent information and then notify the appropriate fire, medical, or other jurisdiction.The telecommunicator should remain on the line until they verify the call connected before disengaging the caller.Telecommuniators transfer all calls for medical assistance to partner agency, AMR (American Medical Respnse).

All telecommunicators are trained on tactical dispatching plans for handling calls of an emergency nature, where officers may find themselves in stressful and dangerous situations, such as vehicle pursuits.

808.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?

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- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

State law requires that all emergency calls received via the 9-1-1 System be handled, transferred or relayed. Prior to transferring a 9-1-1 call, or any call of an urgent or non-emergent nature, always inform the caller that he/she is being transferred, and to which agency or person.

Dispatchers should be courteous, patient and respectful when dealing with the public.

808.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to insure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

808.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call. The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

808.5.3 ACCEPTING AND DELIVERING EMERGENCY MESSAGES

Dispatch occasionally will receive requests from a private party or another law enforcement agency for delivery of an emergency message to a citizen in our jurisdiction. Often these are notifications of death or serious illness or injury; or they may involve concerned persons who have been unable to reach friends or relatives using conventional methods of communications. These calls shall be handled as non-priority calls for service unless the information provided dictates otherwise.

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808.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

(e) To report incidents or conditions

(f) As needed for the safe and efficient operation of the shift

When an officer makes a traffic stop, the officer must notify dispatch of the vehicle license number and location of the stop. When an officer makes a traffic stop and unusual circumstances exist, the officer should include the direction of travel, number of occupants, color of vehicle, and any other pertinent information.If the officer does not request a back-up unit, the dispatcher should ask the officer if they want one sent.

The CAD system is used to track the officer's status while both in and out of service, and maintains a permanent record of the information for planning and evaluation use. On calls that are high priority, in progress, involve violence or potential violence, besides the primary response unit, the dispatcher sends one or more backup unit(s) to the location of the incident. The circumstances of the event determine the number of backup units to be dispatched. The dispatcher will consider several factors in determining the response:

(a) The number of officers in the initial response;

(b) The number of suspects or persons involved in the incident;

(c) How far away the officer's backup unit is from the incident; and

(d) The availability of units to handle other emergencies.

Supervisory Presence on Scene:

Situations might occur that would require the on-scene presence of the duty supervisor, or others, in order to assume command, conduct preliminary investigations, and/or otherwise give direction. Telecommunicators will ensure that the duty supervisor is notified of incidents involving the following circumstance:

1. Use of force situations resulting in injury;

2. Crashes involving police department vehicles;

3. Calls for service involving serious injury or death;

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4. High profile arrests;
5. Complaints concerning questionable conduct by a member of this police department;
6. Vehicular pursuits (specifically ending locations);
7. The discharge of a firearm;
8. The on-duty injury of a police department employee;
9. Hostage or barricaded suspect situations;
10. Bank hold-up alarms;
11. Residential panic alarms.

Additionally, an officer can request the presence of the duty supervisor on any scene where the supervisor's involvement might be needed.

The Dispatcher will defer the decision on the number of backup units, and the level of response to the highest ranking officer on the street. The patrol supervisor should be advised of the status of calls pending or holding periodically during the shift and at the end of the shift.The dispatcher will make a text entry on calls held past the time limit indicating the supervisor or OIC has been notified and any instructions that dispatch may have been given regarding the call. Dispatchers will advise the patrol supervisor in the event of a critical incident or felony in progress. The following are examples of incidents requiring supervisory notification:

(a) Officer needs assistance/activated emergency alert button on portable radio
(b) Felony in progress
(c) Death scenes
(d) Life saving/threatening situations
(e) Use of deadly force
(f) Other serious crime scenes
(g) Officer involved vehicle accident
(h) Vehicle pursuits
(i) Natural disaster

Requests by field personnel for emergent assistance, activated officer distress alarms, and the inability to contact field personnel by radio or telephone are serious situations that require immediate attention and action. In such situations, the telecommunicator shall:

(a) Attempt to contact the officer on the radio, if unsuccessful;
(b) Clear the main radio channel of non-emergent radio traffic;
(c) Notify the supervisor and direct field units to the location or last known location of the officer or officers involved;
(d) Provide responding units with all known information concerning the emergency or possible emergency;

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(e) Facilitate requests from officers and supervisors responding to the incident without delay.

808.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Pacific Grove Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

808.6.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

808.7 AUDIO RECORDING OF RADIO AND TELEPHONE

The County of Monterey Communications Center will maintain a system for recording and immediate playback of all telephone and radio transmissions within the NICE system. The records shall be maintained in accordance with the County of Monterey Consolidated Communications Retention Policy, unless the communication is identified as being needed as evidence. Those recordings identified will be copied and placed into evidence. All non-evidence audio recordings will be maintained for a minimum of 90 days.

Review of the recordings are available for immediate review by Department personnel for business purposes. Supervisors and managers may review audio recording for purposes of quality control, evaluation and training.

External requests for copies of audio recordings from the NICE system shall be routed through the Communications Supervisor or his/her designee.

808.8 VICTIM/WITNESS REQUESTS FOR INFORMATION

The following are procedures for communications personnel to respond to victim/witness requests for information and/or services to include initial and subsequent requests:

- Determine what the caller wants or is asking for.
- Advise the caller that we can either assist with the request or refer them to an outside agency.
- If their request can be handled by Pacific Grove Police Department, we will provide those services.
- If their request cannot be handled by Pacific Grove Police Department, we will transfer the caller to the appropriate agency for service.

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808.9 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

808.10 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

808.11 TRAINING AND CERTIFICATION

The County of Monterey Communication Center Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

808.11.1 MISDIRECTED/911 HANG-UPS

Whenever a call is received for an emergency service that this agency does not normally provide or is outside this agency's jurisdiction, the dispatcher receiving the call shall evaluate the call and then exercise one or more of the following options, depending on the nature of the call:

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(a) The caller will be transferred to the appropriate agency to handle the call while the dispatcher monitors the call to insure that a good connection was made and to ascertain whether this agency's assistance is needed.The dispatcher will collect all pertinent information and then contact the appropriate agency and relay the request.

(b) Most misdirected emergency calls through the 9-1-1 system can be transferred to the appropriate agency through a one-button transfer process.

(c) Any emergency call received on the non-emergency (administrative) number will be handled as a 9-1-1 call.

(d) When misdirected, non-emergency calls are received by the Communications Center, they will provide the caller with the telephone number of the appropriate service provider, if possible.

808.12 BACK-UP RESOURCES-GENERATOR

The Communication Center is supported by a back-up generator that provides sufficient power to maintain all functions (i.e., radio, telephone, 911, heat and air, etc.) in the event of a failure of the primary power source. This generator is inspected monthly or in accordance with the manufacturer’s recommendations. The generator will be tested and operated under full load at least annually.

808.13 EMERGENCY FIRST AID INSTRUCTIONS

All personnel authorized to work in the Communications Center will receive training in providing emergency instructions over the telephone. Communications personnel shall utilize the medical protocol cards approved by authorizing agencies. Protocol cards are available at each answering position in the Communications Center.

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Collection and Preservation of Evidence

809.1 PURPOSE AND SCOPE

The procedure provides for the proper collection and preservation of evidence in the field. The protection of the crime scene, the investigation of the crime, and the prosecution of offenders require that information about the crime be obtained through the application of scientific methods.

809.2 CRIME SCENE RESPONSIBILITY

The first officer on the scene is responsible for the initial securing and protection of the crime scene including preservation of evidence. The officer will call others to assist as needed, however, responsibility for the scene remains with the officer who is assigned the call until a supervisor or detective assumes responsibility. The patrol supervisor and/or watch commander must decide whether field personnel are to be responsible for the processing of an extraordinary crime scene or if detectives will be called out. When deciding the need, supervisors should consider the seriousness of the offense, the existence of complex evidence, and the condition of the scene. As a guide, patrol officers should collect all evidentiary items for crimes, except for: Homicides, Potential Homicides/Serious Assaults, Traffic Fatalities, Officer Involved Shootings, and other scenes determined complex by the watch commander. In either event, there are qualified personnel available 24-hours a day to process crime/traffic collision scenes

The California Department of Justice Crime Lab should be called to the scene for all homicide or potential homicide scenes, the Federal Bureau of Investigation for kidnapping cases or where suspect interstate flight is suspected and the California Highway Patrol for traffic fatalities. For more complex crime scenes, the watch commander may call in the on-call department detective, the Monterey County Sheriff's Office, or a crime scene investigation trained Police Services Technician (PST). Notify the Police Administrative Services Manager is called out.

809.2.1 CRIME SCENE PROTECTION

A secured crime scene area should be surrounded crime scene tape and a chronological log noting critical times and personnel allowed access. No one should enter the crime scene unless they have an official purpose to be there. Personnel accessing the crime scene shall submit a supplemental report narrative.

While it is clearly recognized that officers not specifically assigned to the collection of evidence will discover and collect evidence in the course of their duties, officers operating at a secure crime scene that are not assigned to the collection of evidence shall not search for or otherwise handle any items of evidence unless so ordered by competent authority.

809.3 EVIDENCE COLLECTION

The primary officer or detective will organize a systematic and thorough search of the crime scene for any and all evidence.

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(a) All evidence that is recovered/ seized by any officer of this department must be handled with extreme care in order to prevent contamination of the evidence and/or officer.

1. The use of tongs or tweezers should be considered to prevent the recovering officer from touching and/or contaminating the items.

2. In all instances where items of evidence must be physically handled by the recovering officer, extreme care shall be exercised to limited the degree of handling and a new pair of latex gloves should be worn to prevent contamination and/or cross-contamination.

(b) Perishable evidence shall be given priority and collected first.If destruction of evidence is not a concern, the recovering officer shall work through the scene in a logical sequence designed to prevent the disruption and/or contamination of other items of evidence.

(c) In collecting evidence for comparative analysis, it must be remembered that the forensic laboratory can only compare a recovered item with known items showing similar characteristics.

1. Sufficient specimens or controls must be submitted for comparisons of such items as hair, fibers, paint, glass, soil and tool marks.

2. In all instances where a control sample is required the officer shall endeavor to supply a sample.

(d) Establish a comprehensive chain of custody by carefully documenting all changes/ transfers in the custody of any item of evidence, including transfers made in the field before the items are submitted into the custody of the evidence function at the police station.

All evidence that is collected by officers of this department must be promptly turned over to the evidence function by securing it at police headquarters in the designated receptacle.

1. No property or evidence shall be held in a vehicle, desk, personal locker or other unauthorized location.

2. The temporary storage of evidence shall be accomplished in a manner consistent with the provision established in this written directive.

3. The secure storage of all property or evidence coming into the possession of any officer of this department must be accomplished before the recovering officer ends his or her shift.

4. If, for some unforeseen reason, the recovering officer is incapacitated or otherwise incapable of accomplishing this before his or her shift comes to an end, the watch commander shall designate another officer to complete this action. Full documentation for the transfer of custody of the evidence and the reason for such transfer must be included in the case file.

809.3.1 EVIDENCE PROCESSING

Collected evidence may require additional processing through various federal, state and local agencies, most commonly the California Department of Justice and the Monterey County

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Sheriff's Office. Reference Policies: "Property and Evidence", "Sexual Assault Investigations" and "Computer and Digital Evidence".

809.4 CRIME SCENE AND EVIDENTIARY PHOTOGRAPHY

Photographs should be taken from general to specific. Some photographs may be taken by the responding patrol officer; others during the “walk through” of the scene by the detective or field evidence technician. More photographs may be taken prior to booking evidence when the items can be placed on a table. Photographs need to be taken so they depict the overall scene, the approach to evidence and areas of interest, and close up. These photographs shall be, if feasible to do so, taken prior to any alteration of the crime scene due to evidence collection. It is the responsibility of the detective or the field evidence technician to photograph crime scenes by use of a digital camera, and/or video camera, for the types of crimes listed below. Digital evidence will then be uploaded into Evidence.com for storage. Officers may also consider doing a sketch of the scene if approriate.

809.5 FINGERPRINTS

The two fundamental forms of fingerprint evidence are:
Latent – not readily visible deposits of oil, salt, water, etc., on a surface, and
Patents – an impression visible to the naked eye

The use of powders and chemicals constitute a potential safety hazard. A respiratory mask should always be used when working with powders of any kind. Fingerprint evidence can be processed in the field or in the lab. The procedures to use in the field are:

1. Powders – Fingerprints on smooth, non-porous surfaces can usually be developed with latent powders. In some cases, a magnetic brush and magnetic powder may be easier to work with. Staff should rely on their training and experience in choosing the type of powder to use in the processing.
2. Handling – To prevent contamination always use gloves when processing a crime scene.
3. Processing and developing – The fingerprint brush should be clean and free from debris. Once the latent becomes visible, the print should be dusted in the direction of the ridges until the print is as visible as possible.
4. Lifting – Using fingerprint tape, release an adequate length of tape from the roll. Using a finger place the tape down to cover the entire print. The tape should be rubbed to remove any air bubbles. If the tape can be lifted, it should be placed on a latent card. If the tape cannot be removed without destroying the print, the entire item should be collected.
5. Labeling – The employee must document the following information:
    1. Location of Lift or where print is lifted from
    2. Date/Time of Lift

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3. Processor's name and badge number
4. Case number

6. Packaging - Reference the "Property and Evidence" policy section for detailed information.

If additional processing is warranted, the detectives will forward the latent prints to the appropriate crime lab.

Elimination prints are fingerprints taken from known individuals using an Elimination Fingerprint Kit. They can be taken at the crime scene or taken at a later time. Elimination prints are generally associated with a specific case and booked as evidence using the standard evidence booking procedures.

809.6 WRITTEN REPORTS

It is the responsibility of any personnel who process a crime scene for investigative purposes to submit a complete report on the sequence of events associated with the collection of evidence. The reports must contain the following information:

1. Date and time of occurrence
2. Date and time of arrival at scene
3. Location
4. Victim's name (if known)
5. Suspect's name (if known)
6. Actions taken at the scene including photography, video, etc.
7. Whether measurements were made
8. Inventory of physical evidence recovered

If a detective or police services technician is summoned to the scene, those staff are required to complete a supplemental report. The report will document actions taken including, but not limited to:

1. The date and time of the call-out
2. Any additional collection and/or disposition of evidence
3. Any measurements taken

809.7 DNA EVIDENCE COLLECTING

DNA is contained in blood, semen, skin cells, tissue, organs, muscle, brain cells, bone, teeth, hair, saliva, mucus, perspiration, fingernails, urine, feces, etc. The first officer on the scene where DNA Evidence may be a factor is responsible for the initial securing and protection of the crime scene including preservation of DNA evidence.

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Every officer should be aware of important issues involved in the identification, collection, transportation, and storage of DNA evidence. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary. It is recommended staff:

1. Wear gloves and change them between sample collections.
2. Use disposable instruments.
3. Avoid touching the area where DNA may exist.
4. Avoid talking, sneezing, and coughing over evidence.
5. Avoid touching of the face, nose, and mouth when collecting and packaging evidence.
6. Place evidence into new paper bags or envelopes, not into plastic bags.

809.7.1 SUBSECTION TITLE

The use of paper bags or envelopes is required for long term storage of DNA. However, saturated items may be transported in plastic bags to the drying lockers where the items can be dried. For bloodstains, avoid creating additional patterns that may occur with folding onto themselves.

Utilize collection swab kits for the collection of suspected liquid DNA. Utilize a second swab kit for an unstained area as a control. Pack into storage containers that are provided with the swabs. As an alternate, for liquid or dried DNA evidence, collect the item (or a portion of the item for large items) for submission, processing and testing by the DOJ Crime Lab.

For hair collection, utilize clean forceps and package in a paper product. Utilize existing testing kits for other collected DNA, such as urine, drawn blood, and sexual assaults. For submission requirements, reference the "Property and Evidence" policy.

809.8 TRAINING

Officers receive crime scene collection, processing and handling in all California POST police academies. In addition, detectives and specially-trained police services technicians receive advanced crime scene investigation training, approved through the California Commission on POST.

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Chapter 9 - Custody

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Temporary Custody of Adults and Juveniles

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults and juveniles taken into temporary custody by members of the Pacific Grove Police Department for testing and interviewing prior to being released or transferred to Monterey County Jail or other type of facility.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Detain-means any holding of a person in police custody.

Detainee-any male/female adult or male/female juvenile placed in protective custody.

Juvenile- means an individual who is under the age of 18 years.

Interview area/testing room- a room or area used by sworn personnel to test or interview detainees at the Pacific Grove Police Department and Monterey County Jail.

Livescan Area: The area of the main lobby housing the Livescan fingerprint system.

Panic/Duress Alarms- The need for an immediate response can be accomplished via the emergency button on each officer's individual portable.

Sally port- The garage area designed to allow officers a secure area to drive detainees into the Monterey County Jail prior to removing them from their vehicles. The area will accommodate one vehicle, a gun locker, and an eye wash station.

Secured area- a building or area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features.

Sight and Sound separation-the physical separation between a juvenile and an adult, and detainees that are not of the same gender so that both sustained visual contact and direct oral communication is not possible.

Temporary custody - The time period an adult or juvenile is in custody at the Pacific Grove Police Department prior to being released or transported to the Monterey County Jail or other type of facility.

900.2 POLICY

The Pacific Grove Police Department is committed to releasing adults and juveniles from temporary custody as soon as reasonably practicable, and to keeping adults and juveniles safe while in temporary custody at the Department. All detainees should only be in temporary custody for as long as reasonably necessary for investigation, testing, and interviewing prior to transfer or release. Officers shall respect the civil rights of all detainees and immediately report any violations to a supervisor.

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900.3 GENERAL CRITERIA AND SUPERVISION

No adult or juvenile shall be held in temporary custody for longer than six hours. Only sworn officers of the Pacific Grove Police Department or sworn law enforcement officers from an allied agency shall have access to an individual detained in temporary custody.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Pacific Grove Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

  (a) If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

(e) Individuals who are 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.

(f) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).

(g) 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).

(h) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

(i) Any individual who is obviously developmentally disabled (15 CCR 1057).

(j) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).

(k) 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

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900.3.2 SUPERVISION IN TEMPORARY CUSTODY

Supervision and accountability for processing, searching, and temporary detention of individuals within the building is the responsibility of the arresting officer, unless relieved by another sworn officer. Constant visual supervision of detainees shall be maintained at all times. This agency does not have a holding facility and does fingerprint or book any detainees. Detainees are only brought to the department for DUI testing and custodial interrogations. In all other cases, detainees are transported directly to the Monterey County Jail.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, 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 their for obvious signs or indications of suicidal intent.

The arresting officer should determine officer 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, they shall 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, immediately released or transported to jail or the appropriate mental health facility.

Temporary detention is measured in hours and does not involve housing or feeding detainees except in extenuating circumstances. Detainees should be tested and/or interviewed as quickly as possible and released or transferred to another facility or jail. Individuals shall be monitored at all times by the arresting officer or another sworn officer in the testing hallway or interview room. The testing hallway and interview room have video devices for observation and recording.

The following rooms/areas are authorized for use in the temporary detention, testing, interview of detainees:

- Drug Recognition Expert (D.R.E.) Testing hallway.
- Secure interview room off of the sally port at PGPD.
- Soft interview room in the lobby area.

900.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Commander will ensure that the U.S. Department of State’s list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

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(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her 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 his/her 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 his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 JUVENILE TEMPORARY CUSTODY LOGS

Any time a juvenile is in non-custodial temporary custody at the station, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the station.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Any medical and other screening requested and completed.

(e) Any emergency situations or unusual incidents.

(f) Any other information that may be required by other authorities, such as compliance inspectors.

(g) Date and time of release from the station.

The officer shall notify the Watch Commander if they are going to place a juvenile in non-custodial temporary custody. The Watch Commander shall review and sign the juvenile log when the juvenile is released from custody or transferred to another facility. Juvenile held in custody are never left unattended.

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900.5.2 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, he/she will be accompanied by an officer. Those who require medication while in temporary custody should not be at the Pacific Grove Police Department. They should be released or transferred to another facility as appropriate.

900.5.3 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

  1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

  2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

  1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

  2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

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900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE
Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety. Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.5 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 any emergency, such as evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a interview room. The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Pacific Grove Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy. Individuals that are temporarily detained will not be locked to any fixed objects. Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient’s signature on the appropriate form.

Upon release of an individual from temporary custody, their items of personal property shall be compared with the inventory, and they 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.

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The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

900.8 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Operations Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Pacific Grove Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Watch Commander, Chief of Police and Investigation Operations Commander

(c) Notification of the spouse, next of kin or other appropriate person

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Coroner

(g) Evidence preservation

(h) In-custody death reviews (15 CCR 1046)

(i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.10 TRANSPORTATION TO DETENTION FACILITIES

Arresting Officer Responsibility- The arresting officer shall conduct a pat-down search of an arrestee in the field to make sure they do not have any items that could inflict harm on the officer. The arresting officer will also conduct a check of the rear seat of the patrol vehicle at the beginning of each shift and prior to and after completion of the transport of a detainee. The arresting officer shall notify the receiving agency if the detainee is considered an unusual security risk.

When transporting a prisoner to a detention facility, the officer shall do the following upon arrival:

(a) Secure weapons either in a firearm locker or in the trunk of the patrol vehicle. The vehicle's rifle may remain locked in the electro-lock mechanism of the patrol car..

(b) Restraints will be removed at the direction of the receiving officer.

(c) Complete and submit all necessary paperwork to the receiving officer and advise of any medical or security hazards.

(d) Retain a copy of the pre-booking sheet for return to the Records Unit to confirm transfer of custody.

All transportation of detainees shall be made in marked patrol units equipped with a security cage. All marked units have rear compartments which have been modified to minimize opportunities for exit without the aid of the transporting officer. All marked patrol vehicles have rear window and door locks which are disengaged.

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In the event a prisoner escapes while being transported to PGPD from the scene of the arrest or while being transported to or from any other location the transporting officer shall immediately notify Communications with the following information if known and will pursue the escaped prisoner is capable:

(a) Last known location of the escapee.

(b) Name and age of escapee

(c) Place of residence/address of escapee

(d) Detailed physical description including clothing of escapee

(e) Charge, propensity for violence, history of weapons use of escapee

(f) Location of arrest in case the escapee “doubles back.”

(g) Description of vehicle if accessible to escapee

(h) Local associates who may assist or harbor escapee

(i) Possible destination of escapee

The Watch Commander will set-up a perimeter and immediately notify the Operations Commander. If appropriate the Watch Commander will request the assistance of a K-9 Unit and any other resources he/she deem appropriate after consulting with the Commander. The Operations Commander will be responsible for notifying the Chief of Police and other staff officers. The Operations Division Commander or a supervisor assigned by him/her will respond to the jurisdiction where the escape occurred to render assistance and investigate the cause of the escape. The transporting officers will prepare a detailed report regarding occurrences prior to, at the time of, and immediately following the escape.

900.11 TRAINING

Officers are in charge with monitoring custody of detainees in the Pacific Grove Police Department building, and are provided initial training in the Basic P.O.S.T Academy on the use of temporary detention room(s) and area(s) where persons will be held for interviews and testing. In-service training should be conducted every four years.

900.12 ASSIGNED ADMINISTRATOR

The Patrol Operations Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

(a) General security

(b) Emergency medical treatment (15 CCR 1200)

(c) Evacuation plans

(d) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032

(e) Disaster plans

(f) Building and safety code compliance

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(g) Civil and other disturbances including hostage situations

(h) Periodic testing of emergency equipment

(i) Escape prevention plans and security

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. It provides department procedures which conform to Penal Code 4030 regarding pat-down, strip, and body cavity searches. S 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:

Pat Down search-This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person. Penal Code 4030 (d) 1 & 3.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. (Penal code 4030 (d)(2)). This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search. Searches shall not be used for intimidation, harassment, punishment or retaliation.

PAT DOWN SEARCHES

When an officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat down search of that individual.

Whenever practical, a pat down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of the same sex officer, it is recommended that a witness officer be present during any pat down search of an individual of the opposite sex as the searching officer.

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901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

SEARCHING VEHICLES PRIOR TO TRANSPORTATION

Officers shall search their assigned patrol vehicle at the beginning and end of each shift. They shall also conduct a search prior to and after each prisoner transportation. All property and contraband located in the patrol vehicle will be properly booked into evidence. Information will be sought for identifying the owner or subject responsible for any contraband.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Pacific Grove Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

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 (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Pacific Grove Police Department identification number and information regarding how and when the property may be released.

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901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any Pacific Grove Police Departmentshall 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).

No strip search of a minor is permitted without prior written authorization of the Watch Commander.

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Pacific Grove 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.

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(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 his/her belief that the individual was concealing a weapon or contraband

(g) 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.

(h) 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

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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). (Penal Code 4030 (h/i))

(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. (Penal Code 4030 (k)).

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

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No juvenile shall be subject to a body cavity search absent a warrant.

901.7 TRAINING

The Training Sergeant 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.

901.8 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. 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 female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Pacific Grove Police Department and that are promulgated and maintained by the City's Human Resources Division. The objective of this department is obtain a pool of diverse candidates to select from. Most departments expend considerable time and money in the recruitment process to seek candidates with traits such as trustworthiness, honesty, integrity, leadership, acceptance of others, acceptance of criticism, and analytical skills. The extent to which such recruitment efforts are successful largely determines the effectiveness and efficiency of any department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Pacific Grove 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, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law. The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Services Manager or Operations Commander is responsible for the Department's recruitment process. The Administrative Services Manager or Operations Commander will coordinate with the City's Human Resources Officer to post job openings in various media, collect incoming applications, prepare interview and testing material, and facilitate the interview process. The Administrative Services Manager or Operations Commander shall as needed, but at least every three years, review and revise the recruitment action plan, selection process, and Equal Employment Opportunity plan to assure they are meeting goals and objectives

The Administrative Services Operations Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

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(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Operations Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner. The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.3.1 JOB ANNOUNCEMENTS

The job announcements for all open positions within the Department shall contain the following elements:

(a) The announcement shall provide a description of the duties, responsibilities, requisite skills, educational level and other minimum qualifications and requirements, as well as salary and benefits.

(b) The announcement shall advertise the City and Department as an equal opportunity employer.

(c) The announcement shall indicate any filing deadline and include instructions for proper submissions of applications and any other supplemental material.

(d) The announcement shall indicate all elements of the selection process including testing, interviews, background investigations, polygraph, and psychological/physical examinations.

(e) The announcement shall include a tentative timeline for the expected duration of the selection process.

(f) The announcement shall describe the Department's policy on reapplication.

1000.3.2 ADVERTISING

The Department should advertise job openings through various media to include electronic, print, the Internet, and other appropriate media with a broad based demographic. Job announcements for all personnel will also be posted with community service organizations. All personnel will be encouraged to support recruitment efforts in order to attract qualified candidates.

1000.3.3 EQUAL EMPLOYMENT OPPORTUNITY PLAN

The Department's Equal Employment Opportunity Plan establishes the Department's policy for equal opportunity employment and employment conditions.The Department will abide by the City's Personnel Procedures. The Department shall ensure the Equal Employment Opportunity Plan is a reality by enforcing the plan, by advertising itself as an "equal opportunity employer" on

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job announcements and applications, by annually compiling equal employment opportunity data that is collected from applicants completing the voluntary supplemental data sheet included with employment applications, by conducting recruitment efforts outside of the Department's service area, when necessary, to attract viable candidates, and by enforcing the city's policies prohibiting discrimination and harassment.

1000.3.4 COMPLAINT PROCEDURE

Any applicant who believes he/she has been discriminated against in any employment selection decision because of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, martial status, veterans' status, or sex will be referred to the City's Human Resources Officer.

1000.4 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Pacific Grove City Personnel Department maintains standards for all positions. The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Pacific Grove or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

1000.4.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid California driver's license.

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following shall be disqualifying:

1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, i.e., reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.4.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

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(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration, or intentional omission of material facts on an official employment application document, or sustained episodes of academic cheating.

1000.4.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The Ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under California Law within three years prior to application.

2. Conviction for two or more misdemeanor offenses under California law as an adult.

3. Conviction of any offense classified as a misdemeanor under California Law while employed as a peace officer (including military police officers).

4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California Law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).

5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.

6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.

7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children, including, but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, indecent exposure, except: acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.

8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying. CALEA 32.1.2

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1000.4.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls, etc. A record of being motivated to perform well.

(b) A record of dependability and follow through on assignments.

(c) A history of taking the extra effort required for complete accuracy in all details of work.

(d) A willingness to work the hours needed to complete a job.

(e) The following shall be disqualifying:

1. Missing any scheduled appointment during the process without prior permission.

2. Having been disciplined by any employer (including military), as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.

3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.

4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past 10 years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.

5. Having undergone personal bankruptcy more than once; having current financial obligations for which legal judgments have not been satisfied; currently having wages garnished; or any other history of financial instability.

6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.

7. Having any outstanding warrant of arrest at time of application.

1000.4.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to laws, statutes, codes, etc.

(c) The ability to learn and to apply what is learned.

(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.

(e) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.

2. Having been academically dismissed from any POST certified Basic Law Enforcement Academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST Basic Law Enforcement Academy shall rescind this requirement.

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1000.4.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion, not enforcing the law blindly.

(d) Effectiveness in dealing with people without arousing antagonism.

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following shall be disqualifying:

1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.

2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.

3. Having been disciplined by any employer as an adult forf ighting in the workplace.

1000.4.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure. (e)The following shall be disqualifying:

1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights Laws.

2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.4.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifies for public safety applicants, with no exceptions:

1. Any adult use or possession of a drug classified as an hallucinogenic within seven years prior to application for employment.

2. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment.

3. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college accredited courses related to the criminal justice field.

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4. Any adult manufacture or cultivation of a drug or illegal substance.
5. Failure to divulge to the police department during the background investigation any information about personal illegal use or possession of drugs.
6. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of the individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile.
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifies specified above; e.g. marijuana use longer than one year ago or cocaine use longer than three years ago.
3. Any illegal or unauthorized use of prescription medications.

1000.6 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates for full-time and part-time positions, who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks (personal and professional)

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Chief interview

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All elements of the selection process shall be administered, scored, evaluated, and interpreted in a uniform manner in accordance with the City's Personnel Procedures, and shall use only those rating criteria or minimum qualifications that are job related. Candidates not passing the initial screening are invited to reapply after 1 year. Upon completion of the hiring process, successful candidates will be placed on a hiring list which will remain in effect for 14 months. Upon expiration, candidates may reapply.

1000.6.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.6.2 RECRUITMENT TRAINING

Those responsible for recruitment and selection will received appropriate training to obtain knowledge in areas of:

(a) Federal and State compliance guidelines

(b) City of Pacific Grove recruitment and selection practices

(c) POST recruitment and selection guidelines

(d) CALEA recruitment and selection guidelines

(e) Equal Employment practices and guidelines

(f) Familiarity with record keeping procedures for applications, written, oral and physical agility examinations, background investigations, polygraph, medical and psychological testing

(g) Familiarity with job descriptions, salary, and benefits

(h) Disqualifying characteristics or factors for each position

This training may be obtained by attendance of formal training seminars, review of policies and procedures, websites, manuals, and other resources that address the above topics, job descriptions, job announcement flyers, etc.

1000.6.3 APPLICATION SCREENING AND CONTACT

Applications will be reviewed in accordance with the City's Personnel Procedures, however, applications shall not be rejected because of minor omissions or deficiencies that can be corrected prior to the testing process.

The Human Resources Officer and Administrative Services Manager or Operations Commander or designee shall be responsible for maintaining contact with applicants from initial application to final employment disposition.This will include written acknowledgement of receipt of all employment applications during an open recruitment, rejection or "invite to test" letter, letter indicating test scores upon completion of testing process, and final employment disposition letter.The Human Resources Officer will maintain an applicant log and document all contact.

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1000.6.4 TESTING

The selection process may include but is not limited to the following testing:

(a) physical agility

(b) written test

(c) written essay

(d) aptitude tests

(e) performance test

(f) presentation

(g) or any combination of these or other tests.

All tests and tasks shall be standard for all candidates and shall be relevant as related to the job description and task analysis.The use of commercially produced tests specific to the position is encouraged in order to demonstrate the job relatedness of the test. Operational elements of the selection process including time limits, oral instructions, practice problems, answer sheets, and scoring formulas should be clearly set forth and carried out identically for all candidates.

1000.6.5 ORAL INTERVIEW

Interviews will be coordinated by the Administrative Services Manager or Operations Commander and scheduled by the Human Resources Officer. Oral panel members will be comprised of members of the Police Department, but may also include members of surrounding Police agencies and city staff.

1000.6.6 ELIGIBILITY LIST

The Human Resources Officer will maintain an eligibility list in accordance with the City' Personnel Procedures. The top candidate(s) considered for hiring from the eligibility list will continue in the selection process with a background investigation, polygraph examination, Chief's interview, psychological screening, and medical examination. Candidates participating in the selection process who are not selected for the position will be informed of their status with the the Department in writing within thirty (30) days of such a decision.

1000.6 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include

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performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

1000.6.1 STANDARDS FOR OFFICERS
Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

(c) At least 18 years of age

(d) Fingerprinted for local, state and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test or obtained a two-year, four-year or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)

2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7 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 Pacific Grove Police Department (11 CCR 1953). A lateral officer is also required to show proof of a POST Certificate which is verified by the background investigator.

Candidate shall complete a POST approved Personal History Statement. Background investigators shall comply with standards established by POST and will, at a minimum, include verification of qualifying credentials, a review of criminal records, education records, employment history, and verification of at least three personal/professional references.

Background investigators must have completed a POST approved basic background investigation course. If the Department contracts with an outside provider for backgrounds, the investigator must be licensed in accordance with State regulations.

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The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.7.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.7.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.7.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Pacific Grove Police Department shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Operations Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Operations Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.7.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1000.7.6 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the city Records Retention Schedule (Government Code § 12946; 11 CCR 1953).

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1000.7.6 POLYGRAPH EXAMINATION

Polygraph or other instruments of detection of deception may be used as an investigative aid during the background process. The polygraph examination results shall not be used as a single determinant of employment.An admission during pretest, test, or post-test interviews, together with other information may be sufficient to support decisions relevant to employment status. CALEA 32.2.6

All personnel conducting polygraph examinations shall be certified by recognized professional organizations, such as the American Polygraph Association or the California Association of Polygraph Examiners. CALEA 32.2.5

Candidates will be provided a list of areas from which polygraph questions will be drawn prior to such examination. CALEA 32.2.4, CALEA 32.1.1

1000.7.7 PSYCHOLOGICAL AND MEDICAL FITNESS EXAMINATIONS

Following a candidate's successful completion of the testing process to date, the Chief of Police or designee will determine if the candidate should be appointed.Upon the decision to appoint, the candidate will be given a job offer conditional upon successful completion of medical and psychological fitness examinations.

A licensed psychologist qualified for police pre employment evaluations will conduct a psychological examination. The examination will be done prior to appointment to verify the candidate is free from any emotional or mental conditions which might adversely affect the exercise of the powers of a Police Officer.

After successfully completing the psychological evaluation, the candidate will undergo a medical evaluation. This evaluation will be performed by the medical organization contracted to provide pre employment medical screenings for the City of Pacific Grove. The medical organization will utilize the POST Medical Examination Report form in completing the evaluation.The POST Medical History Statement will be completed by the candidate and provided to the doctor upon arrival. The doctor may refer to the POST Medical Screening Manual. The doctor will provide the Department with a statement to verify the candidate is free from any physical conditions which might adversely affect the exercise of the duties of a Police Officer.

1000.7.8 RECORD KEEPING

All applications, resumes, alternate lists/logs, ethnicity disclosures, examination material, examination answer sheets, job bulletins, eligibility lists, etc. shall be stored in a secure area and will be retained for at least two years past the closing date of the recruitment period. Access shall be restricted to those persons legally entitled to review these records.

All background investigation documentation will be maintained in a secured file cabinet. Background records of hired candidates will become permanent record and be maintained in a file separate from the employee's personnel file. Background records of non-hired candidates will

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be retained for at least two years past completion in accordance with the City's Records Retention Guidelines.Access shall be restricted to those persons legally entitled to review these records.

All documents regarding pre employment medical examinations and psychological evaluations of hired individuals shall be maintained in the employee's medical file and separate from personnel and background files.Only summarized information regarding the results of such evaluations will be maintained in the employee's background file.All documents regarding pre employment medical examinations and psychological evaluations of non-hired individuals shall be included in the background file but kept in a separate envelope. Access to medical and psychological records shall be restricted to those legally entitled to review them.

1000.7.9 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 Pacific Grove Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.8 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.14 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience. All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Pacific Grove Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.2.1 GENERAL GUIDELINES

All sworn and non-sworn personnel, except the Chief of Police, will be evaluated as described in this policy. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete the Employee Evaluation Form.

(a) Supervisors assigned to prepare Employee Evaluation Forms are reminded of the importance of this function, not only for its impact on the employee being evaluated, but as a measure of the quality of leadership and the management skills of the supervisor.

(b) Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

(c) The supervisor must consider the needs and general interests of the Department while applying the standards set forth in these guidelines to the individual being evaluated. An evaluation must be written to motivate an employee to improve overall performance and must inform the employee of any deficiencies, which may have caused performance to fall below acceptable standards, and to maintain a higher level of performance. All evaluations and comments relative to the employee's performance must be based on observed activities or characteristics.

(d) In using the Employee Evaluation Form, supervisors shall evaluate the performance of each employee in the employee's present assignment and any other assignments the employee may have completed during the current evaluation period. The supervisor must place emphasis on efficiency and the general quality of the employee's duty performance without regard to non-duty related personal traits or factors relevant only to prior evaluation periods. It must be remembered that in evaluating an employee the

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supervisor is to consider the employee's performance in relation to the same class and in conjunction with performance standards.

(e) Read and understand each performance element thoroughly before evaluating employees.

(f) Ratings should be based on facts, as you are required to explain every above or below average rating in the Narrative section of the evaluation form.

(g) Remember that the best employee may have a few weaknesses, while the poorest employee may have some strong points. Your evaluations should reflect this.

(h) When appropriate, all concerned direct supervisors shall coordinate the final evaluation in a group effort. This procedure is designed to preclude a single supervisor from assigning an undeservedly high or low overall evaluation to an employee, who may have worked for that supervisor for only a limited part of the evaluation period.

(i) Employees are inclined to accept suggestions for improving their performance when they are offered feedback in a less concentrated form than in the case of a scheduled review. The more time that elapses between performance and feedback, the less effective it becomes.

1001.2.2 USES OF PERFORMANCE EVALUATIONS

Performance evaluations can be used to:

(a) Keep employees informed of what is expected of them and how well they are performing.

(b) Recognize and reward good work.

(c) Recognize and remedy weaknesses in employee performance.

(d) Identify employees who should be given specific types of training.

(e) Provide a continuing record of an employee's performance history.

(f) Serve as a guide to promotion, transfers, demotion, dismissals and other personnel actions.

(g) Help determine whether an employee will receive a step increase.

(h) Check on the accuracy of job descriptions and classification.

(i) Check on the effectiveness of recruitment and examination procedures.

(j) Set goals for future performance, etcetera.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

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All sworn and professional staff supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1001.4 FULL TIME PROBATIONARY PERSONNEL

Professional Staff personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time professional staff personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

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Performance Categories

The Pacific Grove Police Department Employee Performance Evaluation is narrative based. When completing the Evaluation the supervisor will complete sections A & B. Section C should be completed as a collaborative effort with th employee. The employee may complete section D (optional) or attach a separate document. The categories are as follows:

A. Current Responsibilities-attache a current job description. If applicable, make note of any significant changes since last year's performance review.

B. Performance Assessment-

1. List and discuss the status of the employee's performance and development goals for the previous review period. Indicate if each goal has been completed, eliminated, modified, and/or carried over to the next review period.
2. Evaluate and discuss the employee's job performance. Base your evaluation upon the positions requirements, achievements of the goals established during the past year, and your assessment of the employee's accomplishments.
3. Are there areas of exceptional performance that should be particularly noted? Provide specific examples.
4. Are there areas of performance needing more attention or improvement? Provide specific examples.

C. Goal Setting and Professional Development Plan-

1. List the employee's performance goals for the coming year
2. How do these goals align with departmental and/or Council goals?
3. List the employee's development goals for the coming year.
4. In the coming year, how will you provide guidance and assistance for the employee to accomplish his/her goals?

D. Employee Comments-the employee may comment on the performance review in the space provided below or attache a separate document.

1001.6 EVALUATION INTERVIEW

The supervisor will ask the employee to complete a written self-evaluation for the time period under consideration. The employee should be requested to provide the duties, responsibilities and assignments they were charged with, their strong points and areas that they need to improve upon. The employee is not obligated to write a self-evaluation. The employee should also list any schools, training or other accomplishments that are not included within their Personnel and Training Files.

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the

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results of the just completed rating period and clarify any questions the employee may have. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the Employee Comments section of the performance evaluation report.

Performance evaluations are not subject to the City's Grievance Procedure. If the employee does not agree with any of the contents of the evaluation, he/she has the option of writing a memorandum to their Division Commander addressing their concerns. This memorandum must be submitted within 7 days of receiving the evaluation and will be attached to the evaluation (the letter then becomes part of the evaluation itself), and both documents shall be placed in the Personnel File of the employee.

1001.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

(a) That the employee understands the harassment and discrimination policies.

(b) Whether any questions the employee has have been sufficiently addressed.

(c) That the employee knows how and where to report harassment policy violations.

(d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1001.7 EVALUATION REVIEW

All evaluations are reviewed by the rater's supervisor prior to the rater discussing the evaluation with the employee. After the rater finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor who shall review the evaluation for fairness, impartiality, uniformity, and consistency. The respective division commander shall evaluate the supervisor on the quality of evaluation. The Chief of Police shall evaluate the divisions commanders on the quality of evaluations.

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1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Human Resources Department.

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Pacific Grove Police Department.

1002.2 POLICY

The Pacific Grove Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) SRU Team: Swat Team/ CNT Team

(b) Investigator

(c) Motorcycle Officer

(d) Bicycle Patrol

(e) Field Training Officer

(f) Community Relations/Training Officer

(g) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.)

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Three years of relevant experience

(b) Off probation

(c) Possession of or ability to obtain any certification required by POST or law

(d) Exceptional skills, experience, or abilities related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity
2. Stress tolerance

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3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1002.4 SELECTION PROCESS

The following criteria apply to assignments:

Aministrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

(a) The supervisor recommendations will be submitted to the Operations Commander for whom the candidate will work. The Operations Commander will conduct interviews with each candidate.

(b) Based on supervisor recommendations and those of the Operations Commander after the interview, the Operations Commander will submit his/her recommendation(s) to the Chief of Police.

(c) The Chief of Police may elect to interview the top candidate.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1002.5 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Pacific Grove Human Resources Department.

The essential elements of the city's promotional program are:

(a) The city's promotional program shall be consistent.

(b) Full-time permanent employees of the city shall be encouraged and supported in upgrading their job capabilities and in developing the necessary qualifications for higher level jobs within the city.

(c) Proper recognition shall be given to full-time permanent employees who have upgraded their qualifications and they should be allowed, when appropriate, to compete for vacancies in higher-level positions with the city. The procedure for filling non-entry level position vacancies within the city shall be as follows:

1. Candidates will usually be recruited on an open and competitive basis. Recruitment efforts consistent with attracting sufficient, qualified applicants and with properly filling the position will be utilized. Certain exceptions to this general procedure are discussed in subsection (c) (6) of this section.

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2. When a vacancy occurs in a city position, the Human Resource Director shall notify all city departments and divisions regarding the vacancy in order that all full-time permanent employees will be informed about such vacancies, and to apply for the position if they are qualified.
3. All applications shall be examined to determine if the applicant is qualified in terms of the minimal employment standards which have been established for the position. All full-time permanent employees who possess the minimal qualifications for the position shall have the opportunity to compete for the position vacancy. Those applicants who meet the qualifications are notified of the appropriate examinations.
4. When appropriate, a qualifying written and/or performance examination for the position will be given. These examinations, depending on the position to be filled, may test for specific skills, knowledge, ability or aptitude, or for some combination of these component.

The qualifying test content should reflect the highest possible degree of job-related validity.

Passing the written and/or performance examination should indicate that the candidate possesses the knowledge and skills necessary for successful performance on the job. Candidates passing the written and/or performance examinations will be considered qualified to participate in the oral interview examination. The written and performance testing procedure shall be used only on a pass/fail basis, except that the examination results may be additionally used in the final selection procedure. Examination results will not be released to applicants or interview board members until the final selection has been considered.

5. In certain cases, the requirement for a written examination may be eliminated in consideration of candidates meeting certain experience requirements.
6. In certain cases, it will be possible for a full-time permanent city employee to qualify for the oral interview examination without the requirement of a written examination on the basis of meeting the established minimal qualifications and by having satisfactorily performed the same or related duties and responsibilities. In exceptional cases, where such employee exceeds the minimal qualifications and has demonstrated that he or she can satisfactorily perform the duties and responsibilities of the position, and where only a single employee has demonstrated these qualities, he or she may be appointed to the non-entry level position vacancy without the city utilizing this section's full competitive promotional process for the particular position vacancy.
7. The determinations as to the above procedures to be used in the recruitment process shall be made by the Human Resource Director in consultation with the appropriate department manager.
8. In the oral examination all candidates shall be objectively evaluated as to the suitability of their education, experience, and personal qualifications for the specific position vacancy. Candidates earning a passing score shall be placed on the eligibility list for that position. The eligibility list shall remain in effect for 14 months from the date established by the Human Resource Director.

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9. Any other appropriate information to selecting the best qualified candidate may be utilized. This may include, but need not be limited to, background evaluation and personal references.
10. From the list of candidates on the eligibility list, the department manager shall recommend the appointment of a candidate to the Human Resource Director. The Human Resource Director shall make the appointment, but shall not be bound by the recommendation of the department. The department manager and the personnel officer should be guided in their determination by the performance of the candidates in the examination process. The paramount consideration in the appointment to fill the position vacancy is the candidate's overall suitability for the position based on ability to perform the duties and responsibilities of the position in comparison with the other candidates who compete in the examination process.
11. All candidates for a promotional position shall, upon request, be provided the names of those employees on the eligibility list.

The Chief of Police has designated the Administrative Services Manager to handle all job postings announcements and administering the promotional process.

In the event of conflict between this section and the provisions of any memorandum of understanding between the city and an employee organization, the provisions of the memorandum of understanding shall prevail.

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Anti-Retaliation

1003.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1003.2 POLICY

The Pacific Grove 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.

1003.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1003.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Analyst.

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.

1003.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1003.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1003.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members who have engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Supervisor for investigation pursuant to the Personnel Complaints Policy.

1003.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

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

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1003.8 RECORDS RETENTION AND RELEASE

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

1003.9 TRAINING

The policy should be reviewed with each new member.

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

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Reporting of Employee Convictions

1004.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Administrative Services Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Administrative Services Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1004.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

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

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

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1004.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1004.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Employees shall not report for duty, or be on duty, while under the influence of any intoxicant to any degree, whatsoever. Employees shall not report for duty, or be on duty, with the odor of any intoxicant on their breath or person, unless in the performance of their assigned duty, as directed by a supervisor.

Employees shall not have in their possession nor store alcoholic beverages in any Department building or motor vehicle, unless the beverage is being held as evidence or found property pursuant to an official police investigation or part of an authorized department event.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1005.3.1 USE OF PRESCRIBED MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status. The employee shall furnish the supervisor with a written note from the employee's physician, indicating a fitness for duty, job performance limitations, and any work restrictions that have been placed on the employee.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

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1005.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (Ross v. Ragingwire, 42 Cal. 4th 920 (2008)).

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition for a law enforcement agency. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). 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).

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the officer's senses or judgment. Off-duty incidents involving firearms and the use of alcoholic beverages and/or drugs can result in blood and/or breath tests from the employee for administrative investigations.

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). The Employee Assistance Program (EAP) is a 24 hour counseling referral and employee support system which is a resource for employees in obtaining help for a wide variety of personal problems. The program is confidential and is available to City of Pacific Grove employees and their families.

Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

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If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol, illegal drugs and/or legal drugs possessed illegally under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or police related death.
- When the employee is involved in an injury or fatal accident while on-duty.
- When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of an alcoholic beverage, illegal drug and/or a legal drug possessed illegally while on-duty.
- When any off-duty employee is exhibiting objective symptoms of being under the influence of an illegal drug and/or a legal drug possessed illegally.

The type of said test is to be at the election of the Chief of Police or his/her designee. The use of compelled testing results shall be restricted to the administrative investigation and is not admissible in any criminal proceeding against him/her, except as provided by case law or statute.

1005.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee 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.

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1005.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name by a licensed physician.

(c) Violates any provisions of this policy.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Communicable Diseases

1006.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1006.1.1 COMMUNICABLE DISEASE STATUTES

Every supervisor should be familiar with the following California statutes relating to communicable diseases:

Health & Safety Code § 1797.188 - Requires notification to police officers when health officials become aware that a patient contacted by the officer(s) has a reportable condition.

Health & Safety Code § 199.97 - If a person resists arrest by biting, scratching, spitting, or transferring blood or other bodily fluids on, upon, or through the skin or membranes of a police officer, a court order for the person's blood may be sought by petition and hearing. Testing can be made if the blood sample is obtained from the person voluntarily at the request of a health care professional.

Penal Code § 7510 - When a police officer files a report indicating that he has had contact with bodily fluids of a person that has been arrested, a request may be made to the Monterey County Chief Medical Officer to obtain a blood sample from the arrestee for HIV testing.

Penal Code § 7521 - A Parole or Probation Officer who seeks the assistance of Pacific Grove Police Department personnel to apprehend or take into custody a parolee or probationer who has a record of assaults on police officers, and has tested positive for HIV, shall inform the assisting officers of the person's condition.

Penal Code § 1524.1 - A court, at the request of any victim of any crime, may issue a search warrant for the purpose of testing the accused's blood with an HIV test when there is probable cause to believe the accused committed the offense and there is probable cause to believe that blood, semen or any other fluid capable of transmitting HIV has been transferred from the accused to the victim.

Health & Safety Code § 1797.186 - Entitles all personnel with occupational exposure to a contagious disease (refer to California Administrative Code § 2500, Title 17) to medical treatment to prevent the onset of disease when an exposure incident occurs while in the service of the Police Department.

1006.1.2 DEFINITIONS

Definitions related to this policy include:

Airborne Pathogens - Pathogenic microorganisms that are present in airborne particles (known as droplet nuclei) that include, but are not limited to Tuberculosis bacterium.

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Bloodborne Pathogens - Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

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.

Decontamination - Refers to the use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

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 Pacific Grove Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

Universal Precautions - An approach to infection control. According to the concept of "Universal Precautions," all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

1006.2 POLICY

The Pacific Grove 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.

1006.3 EXPOSURE CONTROL OFFICER

The Chief of Policehas designated the Commander to serve as the agency Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

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1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates including (8 CCR 5193):
   (a) Sharps injury log.
   (b) Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
   (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections, as well as the liaision to the Pacific Grove Safety Team. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1006.4 EXPOSURE PREVENTION AND MITIGATION

1006.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

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(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(a) At no time is an employee to try to recap or break a syringe/sharp as this may cause an extreme risk to their personal safety.

(b) If the syringe/sharp is not needed as evidence in a criminal prosecution, it shall be disposed of in the “sharps container,” and documented in the appropriate report format. The sharp container is clearly marked and located in the evidence packaging room on the counter to the left of the sink.

(c) A syringe/sharp shall only be booked into evidence for major criminal/ deoxyribonucleic acid (DNA) investigations such as homicides, OIS, rapes or assault with a deadly weapon.

(i) Avoiding eating, drinking,, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazard waste appropriately or labeling biohazard material properly when it is stored.

(k) Biohazard bags are located in the packaging room in the bottom right drawer.

1006.4.2 IMMUNIZATIONS

Members who could be exposed to Hepatitis-B Virus due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1006.4.3 PERSONAL PROTECTIVE EQUIPMENT

(a) Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

(b) Not less than two pair disposable latex type gloves.

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1. It is recommended to keep a box (for each of the three sizes) of gloves in each police vehicle.

(c) Safety glasses or goggles.

(d) Rescue mask with a one-way valve.

(e) Antibacterial wipes to clean skin at emergency site.

1. Keeping several alcohol hand wipes in each police vehicle is recommended.

(f) Protective gowns and booties

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

The Commander will be responsible for the inventory and dissemination of supplies for infectious disease control. Personnel using supplies stored in Police Department vehicles are responsible for replacing them. Protective gloves, other first aid supplies, and disinfecting materials will be made readily available at all times.

1006.5 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.

1006.6 POST EXPOSURE

1006.6.1 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.

1006.6.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

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(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).

1006.6.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

(a) Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the fire station immediately upon arrival.

(b) Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps.

1. All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

(c) Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station.

(d) After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container. Biohazard bags are available in the evidence packaging room as well as each locker room.

(e) Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio, etc.) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

(f) Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains.

1. The ECO has secured Pacific Grove cleaners 222 Grand Ave (hours 8am-5pm M-f & 8am -12pm Sat) who is capable of cleaning contaminated clothing, and

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inform them of the potential contamination. The clothing will either be dry cleaned at Department's expense, or replaced.

(g) Disinfection procedures shall be taken after blood or other bodily fluid discharges into a police vehicle.

1. A supervisor shall be notified, and the vehicle shall be taken to the station as soon as possible. Depending on the circumstances and location of the vehicle, the Supervisor may elect to have the vehicle towed to the station. The Supervisor shall determine if the vehicle is to be taken out of service, pending disinfection.

The ECO has designated the locker rooms as the area for cleaning/ decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after decontamination due to a suspected exposure to be maintained in a clean and sanitary order at all times. The showers will not be used by staff until is has been thoroughly cleaned after a decontamination. It is the responsibility fo the supervisor working to ensure all staff are notified and to coordinate with the Commander to have the area cleaned. The application of cosmetics, consuming food and drink are prohibited in this designated area at all times. There is also an eye wash station located in the evidence packaging room.

1006.6.4 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.

1006.6.5 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1006.6.6 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:

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(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

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.

1006.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1007.1 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 Pacific Grove 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.

1007.2 POLICY

The Pacific Grove 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).

1007.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Pacific Grove 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.

1007.4 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.).

1007.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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Seat Belts

1008.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1008.2 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.

1008.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1008.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

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.

1008.5 POLICY

It is the policy of the Pacific Grove Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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1008.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1008.7 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.

1008.8 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.

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Commendations and Awards

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Pacific Grove Police Department and individuals from the community.

1009.2 POLICY

It is the policy of the Pacific Grove 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.

1009.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

1009.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau, and assignment at the date and time of the commendation

(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate

(c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee's personnel file.

1009.3.2 AWARD LEVELS

(a) **Letter of Commendation.** May be presented to police officers or support personnel who have performed efficient and valuable service to the department, either in carrying out a specific task, or in the performance of general duties over an extended period of time. Letters by supervisors, peers and citizens will be included into officer's personnel file. Letter will be read aloud and copy presented to recipient.

(b) **Department Citation (or Recognition Citation).** To be awarded for outstanding performance of a difficult task involving personal risk to the officer's safety when, because of the officer's actions, a serious crime is prevented or a perpetrator is

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apprehended. Or, outstanding contributions to law enforcement through the success of difficult police programs, projects or situations, such contributions being made at a high degree of professional excellence. Or, other outstanding actions of a nature that bring Positive credit to the department and its members. Recipient will receive a department certificate.

(c) **Award of Merit**. To be awarded for outstanding performance of duty under unusual or difficult conditions. The action need not involve exposure to physical danger, but must involve unusual thoroughness, conscientiousness, determination and initiative, or meritorious action of a nature that would not be eligible for a higher award. Recipient will receive a certificate and uniform pin.

(d) **Officer/Employee of the year award.** Upon selection by the Chief of Police as the officer or support person of the year, the employee will be authorized to wear the appropriate uniform pin. Officers/employees of the year are traditionally selected by the department at large with the approval of the Chief of Police.

(e) **Life Saving Medal**. The Life Saving Medal may be awarded to any member who's prompt and alert action, through disregard of personal safety, results in the saving of a life. Award recipient will receive certificate, medal and uniform pin.

(f) **Medal of Valor**. The highest honor bestowed upon a department member. The Medal of may be awarded for an outstanding act, where outstanding actions by the individual, under imminent personal hazard of life, with full knowledge of involved. Or, any actions which may have prevented a personal hazard Award recipient will receive certificate, medal and uniform pin.

(g) **Public Service Award.** May be presented to any individual outside the department who voluntarily acted in circumstances requiring unusual courage or heroism while assisting a police officer or other citizen. Those who do not meet the above criteria, but provided a measure of assistance, shall be sent a letter and a Certificate of Appreciation signed by the Chief of Police.

(h) **Humanitarian Service Award.** May be presented to any individual (employee or not) who demonstrated a voluntary act of donating time, physical effort, financial support, or special talent promoting the safety, health, education, or welfare of citizens. The individual is not eligible if there was any personal gain, financial compensation, special services, or privileges in exchange for the act.

1009.3.3 OUTSIDE COMMENDATIONS

The Chief of Police may decide to submit the commendation to an outside agency (i.e. MCPOA, DOJ, IACP, etc.) for consideration of additional recognition.

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Fitness for Duty

1010.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1010.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1010.3 SUPERVISOR'S RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) Unless immediate action is necessary, the Shift Supervisor shall consult with the Patrol Commander to determine whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1010.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1010.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Operations Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1010.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/ grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/ or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1010.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1010.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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Meal Periods and Breaks

1011.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, in so far as possible shall conform to the city's policy governing all city employees.

1011.1.1 MEAL PERIODS

Uniformed employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor. Employees must be on duty for one hour before requesting a meal break and cannot request a meal break one hour before the end of their shift unless cleared by the Watch Commander. Authorization from the Watch Commander shall only be granted in the event of a hardship or exigency during the shift that has prevented an employee from a meal break.

Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City. "City limits" for the purpose of this policy shall be all that lies within the City limits and within 300' feet outside the City limits (this will allow officers to access restaurants and convenience stores on or close to the border of our City limits).

The time spent for the meal period shall not exceed the authorized time allowed per the POA or GEA MOU.

Uniformed officers on adjoining beats shall not take their meals at the same time or with each other unless authorized by the Watch Commander. Authorization from the Watch Commander shall only be granted in the event of a hardship or exigency during the shift that has prevented an employee from a meal break.

Meal breaks are subject to cancellation at the discretion of the supervisor.

1011.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility should remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks within the City limits subject to call and shall monitor their radios. Uniformed officers from adjoining beats shall not take their breaks together or at the same time unless authorized by the Watch Commander.

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Lactation Break Policy

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1012.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1012.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify 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.

1012.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken as described above or at the nearest appropriate private area.

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1012.5 STORAGE OF EXPRESSED MILK

The department shall furnish a refrigerator to be stored in the lactation room to be used by the employee to store her expressed milk. Any employee storing expressed milk in the authorized refrigerator shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Records

1013.1 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.

1013.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages (also refer to Policy – Overtime Compensation Requests).

(a) To record all hours worked on city approved daily time sheets.

(b) To record all hours of time off, indicating the benefit used.

(c) To complete the daily time sheet accurately and in a timely manner.

1013.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. The daily time sheet shall reflect each employee's hours worked or indicate the reason that the employee was not on duty (e.g., sick leave, vacation, leave of absence, etc.). Supervisors shall complete and submit time sheets for their assigned members to the Records Supervisor for processing no later than 8:00 a.m. on the Monday morning following the end of the pay period unless specified otherwise.

1013.1.3 EMPLOYEE RESPONSIBILITY FOR USE OF LEAVE

It is the ultimate responsibility of the employee to request and use time off per Department policy and Memorandums of Understanding. The employee's payroll check will have a record of available leave time to assist the employee in making this determination.

1013.2 PAYROLL DISTRIBUTION

The responsibility for the distribution of payroll checks rests with the Administrative Services Manager. Payroll checks/direct deposit receipts will only be delivered to the person whose name appears on the check.

1013.3 RECORDS

The Finance Department 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).

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Outside Employment and Outside Overtime

1014.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Outside employment shall not be inconsistent with, or in conflict with the employee's duties in the City or with the duties, functions or responsibilities of the City (Government Code § 1126). Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1014.1.1 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.

1014.1.2 LIABILITY

The City of Pacific Grove will not assume liability for personnel engaged in outside employment in so far as these employees are acting in a capacity outside the scope of their employment with the City of Pacific Grove (Penal Code § 70).

1014.2 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 an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved form. Unless otherwise indicated in writing on the approved form, the approval will be valid for a calendar year. Employees shall submit a new Outside Employment Application annually..

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)).

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1014.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Human Resources Manager.

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).

1014.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment request may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment

(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, 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.

1014.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as 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

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1014.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1014.3.2 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.

1014.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Operation 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.

Court time resulting from outside employment shall not be compensated by the City of Pacific Grove. If court time is in conjunction with the employee’s scheduled shift then the employee

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shall utilize their compensatory time, vacation time or other such leave time as compensation for absence from their assigned duties.

1014.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1014.4.1 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 request. 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 request may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1014.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1014.6 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

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work a notice of revocation of the member's request will be forwarded to the involved employee, and a copy attached to the original work approval.

Criteria for revoking the outside employment include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Pacific Grove Police Department, a request (in writing) may be made to the Chief of Police to restore the members outside employment.

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Personal Appearance Standards

1015.1 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. It is the responsibility of each Division Commander and each member of this Department to ensure compliance with the content and spirit of this section.

Listed below, are the general guidelines for grooming standards that all members of this department shall maintain.

1015.2 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.

1015.2.1 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.

1015.2.2 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.

1015.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1015.2.4 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.

1015.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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1015.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety 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 and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1015.2.7 CLOTHING CONTAINING SLOGANS OR LOGOS

No clothing may be worn on-duty that has a product endorsement, projects a negative image, represents a conflict of interest or otherwise is contrary to the best interests of the City of Pacific Grove.

Examples include products which are contrary to the City's Wellness Policy (e.g., alcoholic beverages, cigarettes and products which represent or advertise firearms or other weapons) or controversial slogans and products which create an uncomfortable, controversial or offensive image to the public.

1015.3 TATTOOS

While on-duty or representing the Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. 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 or promote drug use, sexually explicit acts, or other obscene material.

1015.4 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.

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(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

(e) Facial implants.

1015.5 EXCEPTIONS TO PERSONNEL APPEARANCE STANDARDS

Personnel assigned to work a duty assignment wherein it is necessary to conceal their identity as police personnel may be excused by their Operations Commander from the provisions of all or part of these regulations.

1015.6 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

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Uniform Regulations

1016.1 PURPOSE AND SCOPE

The uniform policy of the Pacific Grove Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Policy- Department Owned and Personal Property

Policy- Body Armor

Policy-Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Pacific Grove 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.

1016.1.1 OFFICIAL RECORDS: UNIFORM AND EQUIPMENT

The Operations Commander or his/her designee shall be responsible for the following:

(a) All correspondence pertaining to uniforms, weapons and equipment.

(b) A permanent file of all uniform or equipment exemptions granted by the Chief of Police.

(c) Personnel records showing issuance and receipt of Department issued equipment and uniform items.

1016.2 UNIFORM REGULATIONS

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 and designated non-sworn 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.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

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(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 off duty 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.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.

1. Wrist watch
2. Wedding ring(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. Approved earrings may consist of a post earring, or earring of clip design and conservative in nature. Post earrings shall not exceed two per ear or one per ear for clip earrings.

(l) It shall be the responsibility of all supervisors, managers and executives to assure uniformity of authorized dress of Department personnel.

(m) Uniforms displaying unsightly wear shall be brought to the attention of the employee's immediate supervisor.

(n) Unless authorized by a Operations Commander, the uniform shall only be worn while on-duty.

1016.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. Whenever a new ID Card is issued, the previous ID card will be returned to the department. All employees shall be in possession of their department issued identification card at all times when carrying a concealed weapon. An employee may request a second identification card to be used in their flat badge wallets. A record of identifications distributed will be kept by the Administration Technician to insure all identification cards are accounted.

(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) All personnel are issued individualized business cards. They are to be distributed liberally and if requested a card shall be given to the requesting party while on-duty.

(c) Officers working specialized assignments may be excused from the possession and display requirements when directed by the Operations Commander.

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In some instances, in the course of doing business, members converse with the public over the telephone. Members shall verbally identify themselves during all telephone interactions to enhance the officer's ability to perform their duties, promote confidence in the public and make officers more accountable for their actions.

1016.3 UNIFORM CLASSES

Authorized uniforms for Department personnel are designated as:

- Class A Uniform
- Class B Uniform
- Class C Uniform
- Specialized Unit
- Inclement Weather
- Support Personnel Uniforms

1016.3.1 CLASS A UNIFORM

The Class A uniform is required for all sworn personnel. The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform shall be midnight blue, wool, poly-wool blend or polyester with military creases and includes the standard issue uniform with:

(a) Long sleeve shirt with black tie. The shirt shall be made of the same type material as the pants.

(b) Black polished dress shoes or leather boots. Tennis shoes or boots with pointed toes are not permitted.

(c) Department shoulder patches shall be affixed to both sleeves.

(d) The trouser and Sam Browne belts shall be black nylon web gear with a plastic buckle.

(e) The Eisenhower dress jacket, zippered front with gold "P" buttons. When wearing the Eisenhower jacket, a black tie is mandatory.

(f) Taser holsters with leg straps are not authorized while wearing a Class A uniform at a ceremonial
event.

(g) The Class A Hat will be the San Francisco Police Department Style 8 point with a patent leather visor.

(h) A protective body armor vest is not required to be worn when wearing a Class A uniform to special events, such as funerals or graduations.

1016.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

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(a) The long or short sleeve shirt may be worn with the collar open. No tie is required

(b) A navy blue or black crew neck t-shirt must be worn with the uniform

(c) All shirt buttons must remain buttoned except for the last button at the neck

(d) Shoes for the Class B uniform may be as described in the Class A uniform

(e) Approved all black unpolished shoes may be worn

(f) Boots with pointed toes are not permitted

(g) Black baseball caps and beanies with the Pacific Grove Police patch facing forward

1016.3.3 CLASS C UTILITY UNIFORM

Sworn and non-Sworn field employees may wear the utility uniform during the evening shift and as directed by the Operations Commander. The Class C Utility uniform shall not be worn:

1. During court appearances
2. While making formal presentations
3. When deemed inappropriate by a police supervisor.

The Class C uniform shall consist of the following:

1. The Class C uniform shall be a navy blue polo shirt, long or short sleeve. The Pacific Grove Police shoulder patch shall be displayed on each shoulder.
2. The Class C uniform pant shall be cargo style. Refer to the department Uniform Specifications Manual for further details.

1016.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as SRU, Bicycle Patrol, Motor Officers and other specialized assignments.

1016.3.5 INCLEMENT WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1016.3.6 SUPPORT PERSONNEL UNIFORMS

(a) Support employees required to wear a uniform at all times while working are: Police Service Technicians, Parking Enforcement, and Animal Control.

(b) Support employees shall have the same uniform classes (except Sam Browne related equipment) as sworn officers, except their shirts will be medium blue and must be of a standard uniform design.

(c) Support personnel may wear department-approved gray jackets, navy cardigans/ sweaters

(d) Black baseball caps and beanies with the Pacific Grove Police patch facing forward while working in the field

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1016.4.1 MOURNING BAND

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the day of the funeral

(b) An officer from the state of California - From the time of death until midnight on the day of the funeral or as directed.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

(f) The mourning band will be displayed from the valley position (near "Grove") to the peak position (near "Police")

1016.5 PLAIN CLOTHES 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 shoes and/or sneakers
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 Pacific Grove Police Department or the morale of the employees. This includes references to politics, alcohol or drugs in wording or decoration.

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(g) When appearing in court in civilian attire, all male employees must wear a tie and sports coat or suit and tie. All female employees must wear a business suit or blazer and slacks/skirt/dress. Employees who opt to appear in uniform at court shall wear Class A, except on duty field personnel who may appear in Class B.

1016.5.1 REQUIRED PLAIN CLOTHES EQUIPMENT AND ATTIRE

(a) Required Equipment - Officers, while on plainclothes duty, except for special assignments and details approved by their supervisor, shall carry the following equipment:

1. Department Badge and Identification Card
2. Firearm - fully loaded - and holster
3. At least one fully loaded spare magazine for the firearm carried
4. Handcuffs and keys
5. Equipment belt is optional

(b) On-Duty Holsters - shall be of high quality commercial construction, shaped to fit the weapon carried and kept in good condition. Holsters for plainclothes personnel must be approved by the Operations Commander.

(c) Equipment Concealment - When in civilian clothing, the weapon and holster shall be concealed to public view, unless in the station or on scene readily identified as a police officer.

1016.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Pacific Grove 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 Pacific Grove 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.

1016.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(a) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

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(b) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Policy-Department Owned and Personal Property).

1016.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Pacific Grove Police Department employees may not wear or alter any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Pacific Grove Police Department employees may not use, alter 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.

1016.9 DAMAGED UNIFORM REPLACEMENT POLICY

The purpose of this policy is to allow for a fair and equitable reimbursement to personnel whose uniforms are damaged in the line of duty. Officers may be reimbursed based on the following criteria:

(a) All officers must obtain receipts for uniform replacement.

(b) Damage must occur in the line of duty.

(c) Damage must be brought to the attention of the Shift Supervisor as soon as possible.

(d) A memorandum detailing the damage and circumstances shall be directed through channels to the Chief of Police.

(e) Claims for lost or stolen personal equipment shall be handled in the same manner as outlined above.

(f) In the event of damage to wrist or pocket watches, a maximum of fifty ($50.00) will be paid.

(g) This policy does not include the normal wear and aging of uniforms incurred during everyday usage. Damaged worn/aging uniforms replacement costs may be adjusted because of depreciation.

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Nepotism and Conflicting Relationships

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline, workplace safety and security.

1017.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, step-parent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1017.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940 and City of Pacific Grove Employee Handbook Section 104 http://www.cityofpacificgrove.org/sites/default/files/general-documents/staff-policies-procedures/handbook-rev8-01-2016.pdf) :

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(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1017.2.1 EMPLOYEE RESPONSIBILITY

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

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

Employees in a close personal relationship shall refrain from public workplace displays of affection or excessive personal conversation.

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1017.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships. For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved. An appointed department manager shall not employ his or her father, mother, brother, sister, wife, husband, or child, or the wife or husband of such relative within the department of such department manager unless unusual conditions exist. If such relative or the wife or husband of such relative is about to be employed, the department manager and the personnel officer shall make a recommendation to the council who shall determine whether such employment would be detrimental to the best interests of the City (Administrative Policy and Procedures Manual 100.075). In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

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Employee Speech, Expression and Social Networking

1018.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

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

1018.1.1 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.

1018.2 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 Pacific Grove 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.

1018.3 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 Pacific Grove 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

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associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1018.4 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 Pacific Grove 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 Pacific Grove Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Pacific Grove 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 Pacific Grove 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

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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 Pacific Grove Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1018.4.1 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 Pacific Grove Police Department or identify themselves in any way that could be reasonably perceived as representing the Pacific Grove 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 Pacific Grove Police Department.

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Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1018.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

1018.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

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(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1018.7 TRAINING

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

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Department Badges

1019.1 PURPOSE AND SCOPE

The Pacific Grove Police Department badge and uniform patch as well as the likeness of these items and the name of the Pacific Grove Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1019.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1019.2.1 FLAT BADGE

The Chief of Police will issue sworn members at the rank of sergeant and above a flat badge capable of being carried in a wallet. Officers and corporals wishing to be issued a flat badge shall submit their request via memorandum through channels to the Chief of Police. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(b) An honorably retired officer may keep his/her flat badge upon retirement.

(c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1019.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1019.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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1019.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and professional staff 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.

1019.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Pacific Grove 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.

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Sick Leave

1020.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available and terms of use are detailed in the employee's respective personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA), the California Family Rights Act, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510).

1020.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1020.2.1 NOTIFICATION

Employees are encouraged to notify the on-duty Shift Supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the Shift Supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1020.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor once per week via telephone or e-mail to provide an update on their absence and expected date of return.

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Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

1020.4 SUPERVISOR'S RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

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Personnel Complaints

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Pacific Grove 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. Upon request, a copy of this policy shall be made available to any member of the public (Penal Code § 832.5(a)).

1021.2 POLICY

The Pacific Grove Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and investigate all complaints against the agency and complaints of misconduct by members of the Pacific Grove Police Department 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 insure that the community can report misconduct without concern for reprisal or retaliation.

Discipline is the responsibility of each individual and a well-disciplined police department is one that voluntarily and ungrudgingly conforms to all standards of conduct. Discipline may be positive or negative. It may involve a range of responses including encouragement, training, counseling or the composition of punitive sanctions.

1021.3 PERSONNEL COMPLAINTS

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

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

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 (Government Code § 3303(i)).

1021.3.1 COMPLAINT CLASSIFICATIONS

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

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

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not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

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

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

1021.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint 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 are accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1021.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1021.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1021.4.2 ACCEPTANCE

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

(a) 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.

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(b) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form.

1. Afterward, the supervisor shall document the allegations of the complainant in a memorandum. The memorandum shall be given to the Operations Commander as soon as possible.

(c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

(d) A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

1021.4.3 AVAILABILITY OF WRITTEN PROCEDURES

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

1021.5 DOCUMENTATION

(a) Supervisors shall insure that all formal and informal complaints are documented on a complaint form. The supervisor shall insure that the nature of the complaint is defined as clearly as possible.

(b) A supervisor may elect to document informal complaints as a Supervisor Report of Incident or memorandum after approval by the Operations Commander.

1. The Evaluation Comment Form or memorandum shall be forwarded to the Commander or his/her designee.

(c) In an effort to insure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement.

(d) Any telephone conversations with a complainant or witness to the alleged misconduct should be conducted on a recorded line. If the complaint is not related to any violation of criminal law, the supervisor or investigating party should notify the other party that the conversation is being recorded (Penal Code § 632). The tape of any such conversation should be included with the personnel investigation’s case file.

(e) All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

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1021.5.1 ALLEGATIONS OF CRIMINAL CONDUCT BY PACIFIC GROVE POLICE DEPARTMENT (PGPD) PERSONNEL

When an employee of this Department is accused of potential criminal conduct, a supervisor or outside agency shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Operations Commander and the Chief of Police shall be notified as soon as practical when an PGPD employee is accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

Employees shall provide complete and truthful responses to questions posed during interviews.

Except as provided by law, no information or evidence administratively coerced from an employee may be provided to a criminal detective. However, any information obtained from a criminal investigation may be provided to the administrative investigation.

1021.5.2 PGPD EMPLOYEE DETAINED FOR A CRIME BY AN OUTSIDE AGENCY

When the employee is a City of Pacific Grove sworn employee, the following guidelines shall apply:

(a) The following notifications shall be made:

1. The Watch Commander
2. The Operations Commander
3. The Chief of Police

(b) If an internal investigation is authorized, the Chief of Police or his/her designee will advise the concerned members of the outside agency that the impending investigation by the Pacific Grove Police Department will be for administrative purposes only.

(c) A police supervisor shall respond to the scene and conduct an initial inquiry into the facts of the incident. The supervisor should not be of a rank below the detained officer.

1. Once the initial facts of the incident have been established, the supervisor shall notify the Operations Commander as soon as practical
2. The supervisor on-scene should limit the scope of their investigation to an administrative investigation or review. If an interview of the employee occurs, Government Code § 3300 et. al guidelines shall apply in gathering the initial facts for a potential administrative investigation.

(d) If the outside agency has requested the Pacific Grove Police Officer to submit to a chemical or breath test and the employee has refused to submit to the request, an order to submit to the test, for the purposes of an administrative investigation only, shall be given by the first available supervisor.

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(e) All evidence obtained solely as a result of the personnel investigation is confidential and shall not be disclosed to members of the outside agency conducting the criminal investigation or to any other unauthorized persons.

Professional Staff Pacific Grove Police Department Employees - When advised by an outside public agency that a professional staff PGPD employee is being detained for a criminal offense, the Pacific Grove Police Department's Watch Commander shall immediately notify the Operations Commander and the Chief of Police or his/her designee.

In consultation with the Operations Commander, the Chief of Police or his/her designee will determine the extent of any further Department involvement in the detention.

1021.5.3 PACIFIC GROVE CITY EMPLOYEE INVOLVED IN TRAFFIC COLLISION, DETAINED, OR SUSPECTED OF COMMITTING A CRIME WITHIN THE CITY

(a) When an employee is involved in a traffic accident while driving a city vehicle, or is detained or arrested for a felony or misdemeanor offense committed in the City of Pacific Grove, the following notifications shall be made (also refer to Major Incident Notifications, and Traffic Collision Reporting policies):

1. The Watch Commander
2. The Operations Commander
3. The Chief of Police

(b) Only the Chief of Police or his/her designee is authorized to make notification to the City Manager and/or the employee's Department Head.

(c) A police supervisor shall respond to the scene and conduct an initial inquiry into the facts of the incident and oversee the investigation.

1. Once the initial facts of the incident have been established, the supervisor shall notify the Operations Commander as soon as practical.
2. The scope of the criminal investigation shall be the same as that for a private person detained under similar circumstances.
3. If the incident involves a traffic accident, please refer to the Traffic Collision policy .

(d) When any PGPD employee is notified or becomes aware of an impending investigation of a criminal offense committed by an Pacific Grove City employee, the PGPD employee shall notify the Operations Commander as soon as practical.

1. The Operations Commander shall notify the Chief of Police.
2. Only the Chief of Police or his/her designee shall be authorized to notify the City Manager and/or the employee's Department Head.
3. The Operations Commander or his/her designee shall oversee any investigative action, and if appropriate, the seeking of a criminal complaint.

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4. The Operations Commander shall keep the Chief of Police informed as to the investigation, significant events associated with the investigation and the intent to seek a criminal complaint against the City employee.

1021.5.4 OUTSIDE AGENCY PEACE OFFICER DETAINED OR SUSPECTED OF CRIMINAL CONDUCT

(a) Any law enforcement agency is authorized to release information to another law enforcement agency concerning the arrest or detention of a peace officer, which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Department policy.

(b) If a peace officer from an outside agency is arrested or detained by officers from the Pacific Grove Police Department, the Watch Commander shall be notified as soon as practical.

1. The Watch Commander shall immediately notify the Operations Commander of the PGPD officers who have either detained or arrested the peace officer from an outside agency.

2. The Operations Commander shall immediately notify the Chief of Police or his/her designee.

(c) In consultation with the Operations Commander the Chief of Police or his/her designee will decide when and how any notification is made to the peace officer's agency.

1021.6 EVALUATION COMMENT FORM (FAVORABLE/UNFAVORABLE)

This department shall document through the Evaluation Comment Form outstanding performance and deficiencies by members. Specifically, a supervisor will document when a member goes above and beyond the normal requirements of his/her duties and contributes to the missions and values of the department but does not fit the criteria for a commendation or award. A supervisor will also document the actions taken by the department to correct deficient performance through training or policy review in order for the employee's performance to meet the expectations of the department.

Positive comments will be kept indefinitely, deficiency notices will be kept for a period of two years, at which time they will be destroyed following the procedures for records destruction.

1021.7 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows:

1021.7.1 SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Government Code § 3303(i)).

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In general, the primary responsibility for the investigation of a personnel complaint shall rest with the Operations Commander The Chief of Police or the authorized designee may direct another supervisor to investigate any complaint or the Chief may contract with a third party to conduct the investigation.

The responsibilities of the investigator include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Operations Commander and the Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources Department and the Operations Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Operations Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant in writing of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

    (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

    (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1021.7.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by the Operations Commander, a supervisor, or an outside investigator, the following applies to members covered by Government Code 3303:

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

(b) Unless waived by the member, interviews of an accused member shall be at the Pacific Grove Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

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(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. 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.

(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 shall record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor’s *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

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1021.7.3 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 initial date and source of the complaint.

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

Summary of Allegations - 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 as to Each Allegation - 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.

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

Investigator Notes – The original notes generated by investigators.

1021.7.4 DISPOSITIONS

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

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

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

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

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct (Penal Code § 832.8).

Misconduct not in the Original Complaint -When 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.

1021.7.5 COMPLETION OF INVESTIGATIONS

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

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

The Chief of Police shall insure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).

1021.7.6 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.

1021.8 ADMINISTRATIVE SEARCHES

An employee of this Department may be administratively ordered to submit to a blood, breath, or urine test for alcohol, illegal drugs and/or legal drugs possessed illegally under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or police-related death.
- When the employee is involved in an injury or fatal accident while on-duty.
- When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of an alcoholic beverage, illegal drug and/or a legal drug possessed illegally while on-duty.
- When any off-duty employee, who is exhibiting objective symptoms of being under the influence of an illegal drug and/or a legal drug possessed illegally

The type of said test is to be at the election of the Chief of Police or his/her designee. The use of compelled testing results shall be restricted to the administrative investigation.

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.

Administrative investigative searches of lockers, desks, assigned vehicles, etcetera shall not include the search of any closed containers within those areas, unless there are other legal guidelines that permit the search of the closed container(s).

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

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

Searches conducted within the course and scope of a criminal investigation shall follow the guidelines of search and seizure laws. Accessing any of the above described locations for other legitimate reasons shall be conducted with common sense and sensitivity for the privacy of all

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employees. Only supervisors are authorized to access the assigned areas of another employee. The supervisor must first notify the Operations Commander before accessing the assigned area of any employee for any reason.

1021.8.1 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

1021.9 ADMINISTRATIVE LEAVE

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

(a) Shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(c) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) May be ordered to refrain from taking any action as a departmental employee or in an official capacity.

(e) May be ordered not to contact any city employee, including subordinates, supervisory staff and co-workers, either on or off-duty to discuss the matter under investigation.

(f) May be ordered not to perform any service on behalf of, or in the name of the City of Pacific Grove.

(g) 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.

(h) May be ordered to fully cooperate with the assigned investigator or evaluator, and make themselves available during prescribed times. If the investigator/evaluator, or another member of the staff, calls during the employee's scheduled work hours, the employee must either be available to take the call or return the call within one (1) hour of when the phone message was left. Failure to do so may result in immediate additional discipline.

(i) May be ordered to cease any previously approved outside employment and not be permitted to engage in any new outside employment.

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At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

1021.9.1 FURTHER GUIDELINES
Further guidelines and a complaint form can be found in the " Internal Affairs Investigative Guidelines," located in the Operations Commander's office.

1021.10 CRIMINAL INVESTIGATION

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

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

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

Employees shall provide complete and truthful responses to questions posed during interviews.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor. However, any information obtained from a criminal investigation may be provided to the administrative investigation.

The Pacific Grove 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 (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1021.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1021.11.1 OPERATIONS COMMANDER'S RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Operations Commander shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Operations Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

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Prior to forwarding recommendations to the Chief of Police, the Operations Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Operations Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1021.11.2 CHIEF OF POLICE RESPONSIBILITIES

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

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

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1021.11.3 NOTICE REQUIREMENTS

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

1021.12 DISCIPLINE

TRAINING AS A FUNCTION OF DISCIPLINE

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Discipline is partly training or experience that corrects, molds, strengthens or perfects. Such discipline allows for a professionally oriented police department. Training should take place as follows:

- Recruit academy
- Recruit field training
- In-service training
- Advanced training
- Remedial training

The training program is designed to reinforce desirable behavior patterns and call attention to noticeable actions, which are deemed to be desirable. A well-disciplined department is a well-trained department. An employee may be assigned to remedial training upon recommendation to the Chief of Police during a disciplinary investigation or by the Chief of Police as a positive measure to correct a deficiency.

COUNSELING AS A FUNCTION OF DISCIPLINE

Counseling is assisting an employee in the process of problem solving and it may be corrective or preventive in nature. It may focus on the necessity for a person to behave differently in preparation for responsibilities and challenges that lie ahead. It may focus on a disciplinary problem, which may be handled in a positive manner by itself, or with other disciplinary measures. The following criteria exist for counseling and either the employee or his supervisor may initiate the process:

The employee has an existing problem or is experiencing difficulty understanding or adjusting to matters which are:

- Job related
- Policies and procedures
- Interpersonal relationships with coworkers
- Personal matters affecting his/her work

The process may also be initiated by the Internal Affairs Investigation complaint or inquiry concerning a disciplinary matter, by recommending counseling for the employee to the Chief of Police, or as ordered by the Chief of Police as a positive measure to correct a deficiency.

In the event punitive action is required the following is a list of discipline options:

- Written reprimand
- Suspension without pay
- Demotion
- Dismissal

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1021.13 PRE-DISCIPLINE EMPLOYEE RESPONSE

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

(a) The Skelly 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.

1021.14 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.

1021.15 POST-DISCIPLINE APPEAL RIGHTS

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

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

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

1021.16 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

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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. The burden of proof for any at-will or probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1021.17 RETENTION OF PERSONNEL INVESTIGATION FILES

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

1021.17.1 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.

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 § 832.5).

All formal personnel complaints shall be maintained for a period of no less than five years (Penal Code § 832.5). All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards apart from the employee's personnel file. All complaints against the agency shall be stored in the City Manager's Office. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

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Body Armor

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor. Practical safety measures should be used to reduce the risks and hazards associated with police work. The department provides soft body armor for personnel in an effort to improve safety.

1022.2 POLICY

It is the policy of the Pacific Grove 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.

1022.3 ISSUANCE OF BODY ARMOR

The Operations Commander shall ensure that body armor is issued to all officers when the officer begins service at the Pacific Grove Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The department Quartermaster 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.

1022.3.1 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) When officers are assigned to a PRVNT or SRU operation, stakeout, service of felony arrest warrant(s), serving a search warrant, are in uniform or at a location where there is reason to believe a felony suspect may be present, the wearing of a body armor is mandatory.

1. A stakeout, for purposes of this section, is a pre-planned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

(d) 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.

(e) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

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(f) 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.

(g) 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.

(h) Body armor vests are not required to be worn when in uniform at ceremonial events (i.e. Rotary meetings, police academy graduations, award banquets, etc.), or when assigned to a position within the station.

1022.3.2 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.

1022.3.3 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.

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Personnel Files

1023.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1023.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.

(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1023.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Supervisor File - Any file which is separately maintained internally by an employee's supervisorfor the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

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1023.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1023.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee’s personnel file(s), shall be logged in the corresponding file.

1023.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

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

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

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1023.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1023.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1023.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.

1. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

2. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's department file.

(c) Disciplinary action:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).

2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).

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3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

(d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years Government Code § 3305).

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).

2. Any such employee response shall be attached to and retained with the original adverse comment.

3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

(g) A photograph of the employee shall be permanently retained.

1023.7.2 SUPERVISOR FILE

The Supervisor File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.

2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

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1023.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Patrol Commander 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 Patrol Commander. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).

2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

1023.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Sergeant for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1023.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

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(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1023.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

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Overtime Compensation Requests

1024.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1024.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the compensatory time balance as specified in MOU (Memorandum of Understanding).

1024.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding, along with their time sheets, to the Records Supervisor at the end of each pay period.

1024.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1024.2.2 SUPERVISOR'S RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time sheet, the overtime payment request form is forwarded to the Patrol Commander for final approval.

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1024.2.3 PATROL COMMANDER'S RESPONSIBILITY
The Patrol Commander, after approving payment, will then forward the form to the Chief of Police for review.

1024.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours, four hours etc.). The supervisor will enter the actual time worked.

1024.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1024.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Occupational Disease and Work-Related Injury Reporting

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1025.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1025.2 POLICY

The Pacific Grove Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.). All work related injuries and work related illnesses requiring medical care must be reported to the Risk Manager for the City.

1025.2.1 INCIDENTS INVOLVING EMPLOYEES WITH SERIOUS INJURY, DEATH, OR POTENTIAL CRISIS SITUATIONS

The Commander should remain informed of crisis situations involving their divisional personnel, who may require personal or other professional intervention. Situations of this type may include an employee who is on extended leave due to a serious injury, an employee who has recently had a death in their immediate family, an employee who has lost their home as a result of a natural disaster, etc.

1025.3 RESPONSIBILITIES

1025.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

Before any employee who has suffered a job related lost time accident or illness may return to duty, a written release to duty from the attending physician must be obtained. The release shall be forwarded to the Commander

1025.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. Exposures that have no immediate symptoms may need a baseline blood test for future analysis of the employee. Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed. Every injured

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employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury. Supervisors shall determine whether the Commander should be immediately notified or if reporting during normal hours is appropriate. Supervisors shall be guided by the Major Incident Notification and Illness and Injury Prevention policies, in addition to their best sound judgment.

1025.3.3 OPERATIONS COMMANDER RESPONSIBILITIES
After the Commander receives a report of an occupational disease or work-related injury he will review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's Risk Manager, to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1025.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Human Resource Director. All Worker Compensation documentation shall be provided to and maintained within the Human Resource office. No Worker Compensation documentation or other medical records shall be maintained within the Police Department.

1025.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Commander through the chain of command and a copy sent to the City's Human Resources Manager.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1025.5 LIGHT OR ALTERNATE DUTY ASSIGNMENTS

(a) It shall be the policy of the Pacific Grove Police Department to provide light or alternate duty assignments when possible for sworn and non-sworn employees recovering from work related injury or illnesses. Upon approval by the Chief of Police, light/alternative duty assignments may also be provided for non-work related injury, illness, or pregnancy.

(b) Approval for such light/alternate duty shall be based upon the written approval of the employee's attending physician, the availability of light-duty assignments and the department's ability to provide work consistent with medical limitations and the length of time of the limitations.

(c) Sworn personnel who accumulate one full year of disability compensation in a single increment as mandated by the California Labor Code Section 4850, will not be returned

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to or continue on a light/alternate duty assignment. In such cases, sworn personnel will be compensated in accordance with established City of Pacific Grove regulation.

1025.5.1 DUTY STATUS WHILE ON LIGHT DUTY

(a) Employees performing light/alternate duties will be assigned by their respective supervisor who will determine specific assignment taking into consideration medical limitations prescribed by the attending physician. Unless modified, duty hours will be 0800 to 1600, Monday through Friday.

(b) Every effort will be made to assign an employee to a task within the department. If the assignment is completed and/or no assignment is available, the employee may be assigned to another city department to perform a designated alternate duty assignment which will be coordinated by the Human Resource Manager. If assigned to another city department, the employee will report to the respective department supervisor.

(c) The Commander is responsible for completing and maintaining personnel-related documents.

(d) Any assignment to a light/alternate duty will be on a temporary basis. This policy is not intended to create any permanent light/alternate duty assignments. Any assignments to a light/alternate duty assignment shall not displace another employee without consent of all parties.

1025.6 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1025.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Grievance Procedure

1027.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1027.1.1 GRIEVANCE DEFINED

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

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

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

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1027.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Operations Commander of the affected division or bureau.

(c) If a successful resolution is not found with the Operations Commander, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:

1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

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(a) The basis for the grievance (i.e., what are the facts of the case?).

(b) Allegation of the specific wrongful act and the harm done.

(c) The specific policies, rules or regulations that were violated.

(d) What remedy or goal is being sought by this grievance.

(e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

(f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1027.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1027.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

1027.5 GRIEVANCE AUDITS

The Commander shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Commander shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Commander should promptly notify the Chief of Police.

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Illness and Injury Prevention

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Pacific Grove Police Department, in accordance with the requirements of 8 CCR § 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1028.2 POLICY

The Pacific Grove Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1028.3 ILLNESS AND INJURY PREVENTION PLAN

The Administrative Services Operations Commander is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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(f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1028.4 ADMINISTRATIVE SERVICES OPERATIONS COMMANDER RESPONSIBILITIES

The responsibilities of the Administrative ServicesOperations Commander include, but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Respiratory protection (8 CCR § 5144)
   (b) Bloodborne pathogens (8 CCR § 5193)
   (c) Aerosol transmissible diseases (8 CCR § 5199)
   (d) Heat illness (8 CCR § 3395)
   (e) Emergency Action Plan (8 CCR § 3220)
   (f) Fire Prevention Plan (8 CCR § 3221)

(e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

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(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1028.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Operations Commander.

(e) Notifying the Administrative Services Operations Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1028.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Operations Commander via the chain of command.

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The Administrative Services Operations Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1028.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Operations Commander shall ensure that the appropriate documentation is completed for each inspection.

1028.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1028.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

(g) Completion of an Investigation/Corrective Action Report form.

(h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1028.9 TRAINING

The Administrative Services Operations Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1028.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1028.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Line-of-Duty Deaths

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Pacific Grove Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1029.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1029.2 POLICY

It is the policy of the Pacific Grove Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1029.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.

  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Operations Commander section of this policy).

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1029.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Pacific Grove Police Department members may be apprised that survivor notifications are complete.

1029.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1029.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1029.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Benefits Liaison.

(g) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1029.6.1 DEPARTMENT LIAISON

The Department Liaison should be the Patrol Commander, or a member with sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

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(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1029.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Pacific Grove Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1029.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Operations Commander. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Operations Commander (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Operations Commander section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary. The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

1029.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

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1029.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard

(a) Casket watch

(b) Color guard

(c) Pallbearers

(d) Bell/rifle salute

2. Bagpipers/bugler

3. Uniform for burial

4. Flag presentation

5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

(g) Traffic control during the deceased member's funeral.

(h) Area coverage so that all members of the agency can attend the funeral services.

1029.6.6 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.

2. Public Safety Officers' Educational Assistance (PSOEA) Program.

3. Social Security Administration.

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4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Education benefits (Education Code § 68120)
2. Health benefits (Labor Code § 4856)
3. Worker's compensation death benefit (Labor Code § 4702)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1029.6.7 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

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1029.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1029.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

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Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1029.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy. Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident. Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1029.10 THE NATIONAL LAW ENFORCEMENT MEMORIAL

The National Law Enforcement Memorial in Washington, D.C., tracks all law enforcement officers killed in the line of duty. The names of all officers killed in the line of duty for the calendar year are dedicated on May 15 of the following calendar year. Applications for the National Law Enforcement Memorial can be obtained by calling the Washington Office at (202) 737-3400.

1029.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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Military Leave

1031.1 <B>PURPOSE AND SCOPE</B>

The purpose of the policy is to provide procedures for employees' military deployment and reintegration to the Department. This policy shall apply to military employees who are absent from the Department for a period of 90 days or longer. This shall apply to any branch of military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and shall be in addition to any other additional benefits as provided by the City of Pacific Grove. The City will grant all employees leaves of absence to fulfill military service obligations in accordance with the requirements of applicable law.

1031.1.1 DEFINITIONS

Military Support Officer (MSO) – The respective shift supervisor or his/her designee shall serve as the liaison between the deployed employee and the Department during his/her absence. The MSO will serve to assist in the care and oversight of the employee's family and personal matters should the need arise during the employee's deployment. This shall not be construed as giving the MSO any legal authority to act in the employee's stead unless it has been otherwise provided for in proper legal documentation.

Re-acclimation Process - Gradual, pre-determined steps, which are intended to give returning military employees the opportunity to more comfortably and successfully reintroduce themselves into their positions with the Department after deployment. This process is designed to afford the employee an opportunity to address issues, which may be associated with their deployment, and their Department position.

1031.2 <B>PRE-DEPLOYMENT PROCEDURES</B>

(a) Any employee seeking a military leave of absence must provide the Commander with advance notice of his/her intent to take a military leave unless advance notice is precluded by military necessity or is otherwise impossible or unreasonable.

(b) The employee will submit a copy of their military orders to the Commander or his/her designee, along with written notification, which will include the following:

1. Anticipated date(s) of mobilization
2. Unit name and identification
3. Commanding Officer's name, telephone number and e-mail address
4. Immediate military supervisor's name, telephone number and e-mail address
5. Name of the military ombudsman (or equivalent) telephone number and e-mail address

(c) The employee will be advised that the shift supervisor or his/her designee shall act as their Military Support Officer (MSO).

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(d) The MSO will serve as the Department's point of contact and together with the Commander and Chief of Police will meet with the employee prior to deployment to discuss information regarding:

1. Employee benefits
2. Salary continuation
3. Any other relevant information which may aid in later reintegration

(e) The Commander or his/her designee and Chief of Police will provide oversight over the reintegration of military employees into the Department during the exit interview.

(f) Prior to their deployment, the employee shall secure all issued uniforms and equipment in their assigned locker during their deployment. The employee shall return all weapons, radio, cell phone, body worn camera and other equipment as deemed necessary by their shift supervisor for safekeeping.

1031.3 <B>DEPLOYMENT PROCEDURES</B>

(a) During the deployed employee’s absence, the Department shall provide support to the employee and his/her family through the respective shift supervisor or his/her designee (MSO).

(b) The MSO should:

1. Keep an up-to-date status on the deployed employee and provide that information to the employee's immediate supervisor and up through the chain of command to the Chief of Police. Such information should include the deployed employee's current status, active needs and family needs.
2. Provide current e-mail and address information to the Human Resources Division.

(c) The shift supervisor or his/her designee shall maintain a current file on the deployed employee, which should include the following:

1. The status of any certifications
2. Applicable Department training that has been missed
3. E-mail and address information to be made available for other Department members to maintain contact

(d) Department members are encouraged to maintain active contact with the deployed employee. The sending of Department events, newsletters, and other information assists the deployed employee in maintaining an active link with the Agency.

1031.4 REINTEGRATION

(a) Any employee on a military leave of absence, upon completing his/her military service obligation, must return to work in a timely manner as established by applicable laws. Failure to return to work after an approved military leave in a timely manner, falsification of the reasons for taking the military leave or working elsewhere while on the military leave can result in termination of the leave of absence and/or discipline.

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(b) Prior to returning to full duty, the returning employee will meet with the Commander for a reintegration interview. It is recognized that members returning from military deployment may have specialized needs. This agency will make available to the returning member any resources to assist in the reintegration process, which may include an offer of confidential counseling (EAP) or other similar services upon return.

(c) An employee returning from a military leave of absence will be reinstated in accordance with and as required by applicable laws. With some exceptions, an employee returning from a military leave of absence typically will be reinstated without loss of seniority, status or pay and return to either his/her prior position or the position in which the employee would have been employed had his/her continuous service not been interrupted by the military leave. Under certain circumstances, the Pacific Grove Police Department may require an employee to provide documentation demonstrating his/her eligibility to return to work.

(d) Upon return to work, the employee must provide appropriate documentation regarding the amount of military pay received during the leave, the amount of time served and documentation indicating the type of duty performed.

(e) Returning employees shall be reissued all uniforms and equipment. The employee shall contact his/her immediate supervisor as soon as notice to return to work is received and request re-issuance of all required uniforms and equipment.

(f) The employee's immediate supervisor will provide training on any updated policy and procedures.

(g) Information Technology will reinstate any City/Department computer accounts, if suspended or deactivated.

(h) The returning employee will meet with the Training Manager to determine any training or certification deficiencies occurring in his/her absence. A schedule will be made to accomplish all required training tasks. The returning employee may be required to complete a short term assignment with a Field Training Officer and will be required to complete required weapons qualifications with a department firearms/ weapons instructor to meet all state and department mandated firearms/weapons training proficiency requirements.

1031.5 PROMOTIONS

If an employee is on military leave during a promotional testing period, the agency will make every effort to allow the employee to participate in the promotional process using all available technological methods, as long as those methods don't interfere with the integrity of the process. In the event arrangements cannot be made to include the employee on military leave in the testing process, they will be given the opportunity to test upon return to full-duty and will be included on the promotional list determined by their score.

1031.6 ANNUAL TRAINING AND INACTIVE DUTY RESERVE DRILLS

The City Administrative Policy and Procedure Manual, Chapter 100.071, Leave of Absence – Military, includes that an employee shall be entitled to pay for time spent on duty in accordance

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with the California Military and Veterans Code. Below are guidelines for you as they relate to pay for military service, Active and Inactive.

Military leaves are subject to the terms of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the California Military and Veterans Code. Military leave is paid leave only under certain circumstances, as set forth in these laws. The City follows these laws with regard to payment of employees during military leave.

California Military and Veterans Code section 395.01 provides when public employees are entitled to time off with pay when participating in military training. Under that section, Employees who have been employed by the agency for at least one year are eligible for up to 15 calendar days per fiscal year of paid time off for training if it is for Active military training. California Military and Veterans Code section 395.01(b) makes clear that local public agencies are not required to pay employees during periods of Inactive duty training. Inactive duty training is defined as:

(a) Duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

(b) Special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Such term includes those duties when performed by Reserves in their status as members of the National Guard. The term Active duty means “full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.”

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Performance Improvement Plans

1033.1 PURPOSE AND SCOPE

The policy of the Pacific Grove Police Department is that all employees are expected to perform in a competent manner in accordance with the policies and procedures of the City of Pacific Grove and the Police Department.

During the course of an employee's career, there may exist a time when their performance is unsatisfactory or needs improvement. If normal efforts to improve performance do not cause an improvement in performance, the more formal step of a Performance Improvement Plan (PIP) may be considered. Performance Improvement Plans assist the employee in bringing their performance up to satisfactory standards. A PIP is intended to be a training process. It is a tool to help the employee improve their skills in the organization, using internal and external resources.

1033.2 ESTABLISHMENT OF A PERFORMANCE IMPROVEMENT PLAN

In furtherance of the PIP, the department establishes this procedure whereby substandard and/or unacceptable performance can be identified and an appropriate program of corrective action can be established. To accomplish this objective, this procedure is developed upon the following key criteria:

(a) Identification of the substandard and/or unacceptable performance or behavior.

1. The unacceptable and/or substandard performance or behavior must be measurable and articulable.

(b) Prior discussions with the employee regarding the substandard and/or unacceptable performance or behavior.

(c) Formal documentation of the deficiency and the expected change(s),

(d) Development of the document, which specifies an action plan.

(e) Language in the document that failure to successfully complete the program may result in discipline, demotion, transfer and/or termination.

1033.3 PERFORMANCE IMPROVEMENT PLAN OVERVIEW

The supervisor will prepare a draft of the PIP.

(a) The supervisor will forward the draft of the PIP to his/her supervisor for review.

1. The draft of the PIP will be forwarded through the chain-of-command to the Chief of Police for final review and approval.

2. The Chief of Police will determine whether or not a supervisor will discuss the draft of the PIP with the employee prior to its finalization.

(b) The supervisor and the Commander or designee (if applicable) will discuss the finalized PIP with the employee and have him/her sign the original document.

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(c) The supervisor shall follow the structured guidelines within the supervisory assistance section of the PIP and conduct any follow-up counseling or progress reports as specified in the document.

1. If training is stipulated, the supervisor shall ensure that the training is provided in a timely manner.
2. The employee shall meet with a supervisor no less than once per week.
   (a) If the supervisor is unable to meet with the employee during the week then the meeting should occur at the next available opportunity.
3. A supervisor or their designee shall write an evaluation of the employee's progress no less than once per week.
4. If an evaluation is not completed within the stipulated time frame then an evaluation shall be written as soon as practical.

(d) A supervisor will complete the final progress report and forward the completed file to the Commander for review.

(e) The Commander will forward the entire PIP package to the Chief of Police for review and approval.

1. Should punitive action be necessary, such action will be implemented in accordance with Policy -Standards of Conduct.

1033.3.1 PERFORMANCE IMPROVEMENT PLAN FORMAT

(a) **Heading**

A standard memorandum heading shall be used:

To: (Name of the affected employee),

From: (Name of the employee's supervisor),

Subject: FAILURE TO MEET PERFORMANCE STANDARDS

Date: (date of report).

(b) **Performance Standards and How the Employee Failed to Meet Them**

1. List each performance standard in which the employee is deficient.
   (a) Example: "An employee shall be punctual in reporting for duty at the time and place specified by his/her supervisor." Cite the specific Policy Manual section(s) that the employee has violated or failed to meet.

2. List specifically and with detail each occasion where the employee failed to meet the listed standard.

3. Repeat this process for each standard the employee will be required to show improvement and/or attain.

(c) **How the Employee can Improve Their Performance**

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1. This section is a summary of the positive and/or productive behavior the supervisor expects the employee to exhibit in order to be regarded as an acceptable employee and satisfactorily complete the PIP.

(d) Supervisory Assistance and Guidance

1. The supervisor sets a review schedule where the supervisor will review the progress of the employee with him/her.

(a) Such reviews should be done daily, but at a minimum weekly.

(b) Each review with the employee shall be documented in a memorandum (the employee shall sign each review), which will be sent by the supervisor through the chain of command to the Operations Commander or Administrative Services Manager.

(c) The employee will be provided a copy of each review.

2. The supervisor may direct the employee to obtain training and/or counseling when appropriate.

(e) Time Frame and Consequences

1. The supervisor will stipulate the duration of the Performance Improvement Plan.

(a) The Performance Improvement Plan will be a minimum of 60 days in length.

(b) Should the employee progress at an accelerated rate, the PIP may be shortened from the specified time.

(c) The consequences of failing to satisfactorily complete the PIP must be clearly stated. The consequences for failing to meet the specified performance standards within the allotted time should be specified as discipline, demotion, transfer or termination.

1033.3.2 INITIAL INTERVIEW WTH THE EMPLOYEE ASSIGNED A PIP

(a) The supervisor will address each performance deficiency identified in the PIP along with the expected corrective behavior.

(b) The supervisor should emphasize to the employee the intent of the department to assist the employee in improving their work product and/or behavior to meet the standards of the PIP.

(c) The supervisor should encourage the employee's input and take appropriate notes concerning the employee's viewpoints.

1. This information may be incorporated into any subsequent written reviews by the supervisor concerning the PIP.

(d) The supervisor will advise the employee of the review process and the schedule for the review sessions.

(e) The supervisor will inform the employee of any outside training and/or counseling that is required as part of the PIP.

(f) The supervisor will inform the employee of the consequences that may result in the event the employee fails to satisfactorily complete the PIP.

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(g) The supervisor will ensure the employee signs the PIP and provide the employee with a copy.

1033.3.3 FOLLOW-UP COUNSELING AND/OR PROGRESS REPORTS

(a) During the duration of the PIP, a supervisor will meet in counseling sessions with the employee as specified in the PIP.

1. If a scheduled counseling session is missed, a supervisor will meet with the employee at the next available opportunity.

(b) A supervisor will review the employee's progress as it relates to each identified performance deficiency. Appropriate feedback and reinforcement should be given to the employee, whether or not the employee is improving.

(c) Each counseling session will be documented in a memorandum directed to the Commander, through the chain of command. The author of the memorandum shall ensure that the employee signs the document and provide the employee with a copy.

1. The Commander shall forward a copy of all reports regarding the PIP to the Chief of Police.

2. The Commander shall inform the Chief of Police of any significant incidents regarding the PIP in a timely manner.

(d) The supervisor assigned to oversee the employee's PIP will be responsible for ensuring that any designated counseling sessions or periodic evaluation reports are completed and documented as directed, and forwarded to the Commander..

1. The supervisor will ensure the employee signs the document(s) and provide the employee with a copy.

1033.3.4 FINAL REPORT FOR A PIP

(a) At the end of the PIP, the supervisor shall prepare a final report regarding the employee's progress in the PIP.

1. If the employee successfully completes the PIP, the final report should reinforce the employee's improved performance and encourage continued acceptable performance. If the employee successfully completes the PIP and the PIP is not part of any formal disciplinary process, all documentation of the PIP will be provided to the employee for their review and signatures prior to it being placed into the employee's file.

(a) The PIP will remain in the Supervisor's file and will be documented in the employee's next evaluation. After documentation in the employee's evaluation, the PIP will be removed form the Supervisor's file.

2. If the employee successfully completes the PIP and the PIP is part of any formal disciplinary process, all of the documentation of the PIP becomes part of that disciplinary paperwork and is subject to the guidelines established in Policy-Standards of Conduct.

3. In the event the employee does not successfully complete the PIP, the final report should:

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(a) Specify those standards the employee failed to achieve and how he/she failed to do so,

(b) State that the supervisor is recommending that the penalty contained in the PIP as a consequence for non-improvement, be implemented, and contain a detailed account of the employee's comments regarding the final report.

(c) The Final Report, along with all follow-up reports and other related documentation will be forwarded via the chain-of-command to the Chief of Police for review and appropriate action.

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PERSONNEL EARLY INTERVENTION SYSTEM

1035.1 PURPOSE AND SCOPE

The purpose of this order is to establish policy and procedure for an informal performance review and intervention program, the "Early Warning System" (EWS). The program monitors employee performance that may be inconsistent with professional police conduct and cooperatively engages employees to resolve areas of concern. The goal of EWS is early identification of employee performance issues and correction of these issues through constructive counseling sessions, intervention, and/or training rather than the formal disciplinary process.

It is the policy of the Pacific Grove Police Department to maintain an Early Warning System to provide early intervention to possible problematic behaviors so that changes can be made prior to discipline being the only corrective option. The EWS is one method by which employees may be identified as possibly needing assistance with performance and/or stress related problems. The EWS is designed to detect patterns and trends before the conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management intervention strategies before negative discipline becomes necessary. All levels of supervision, especially first-line supervisors, are expected to recognize potentially at-risk employees, identify training needs and provide professional support in a consistent and fair manner. Emphasis should be placed on anticipating problems among employees before it results in improper performance or conduct. Many different categories of officer conduct which indicate potentially escalating risk of harm to the public, agency, and/or the officer may be monitored.The EWS is intended as an approach to highlight tendencies that may otherwise be overlooked.

All employees shall participate in the EWS program and comply with the guidelines set forth in this policy. Participation in the EWS program shall not be deemed punitive, nor a formal disciplinary process. Notwithstanding the initiation of the EWS process, the Department retains its right and responsibility with regard to investigation of policy violation and enforcement of employee discipline.

1035.2 PROCEDURE/PERFORMANCE INDICATORS

EWS is a non-disciplinary tool that does not relieve supervisors and managers of their responsibility to directly monitor the performance of their subordinates and take appropriate action in response to performance or behavioral issues.

The following are some performance indicators which may be tracked:

1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
2. Criminal investigations of or criminal complaints against the officer;
3. Use of force incidents;
4. Obstructing/resisting arrest incidents;
5. Negligent discharge of (Firearm/Taser);

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6. Late activation or non-activation of AXON camera when required by policy;
7. Domestic Violence investigations in which the officer is an alleged subject;
8. An arrest of the officer, including a driving under the influence charge;
9. Sexual harassment claims against the officer;
10. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
11. Insubordination by the officer;
12. Neglect of duty;
13. Unexcused absences by the officer; and
14. Any other indicators, as determined by the agency's chief executive.

1035.3 INITIATION OF INTERVENTION SYSTEM

Three separate instances of performance indicators within any twelve-month period will trigger the Personnel Early Intervention System review process. If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead shall count as only one performance indicator.

1035.4 ADMINISTRATION AND TRACKING

The Commander is assigned to manage the Personnel Intervention System and shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system, in July of each calendar year beginning one year after implementation. The Commander shall prepare a written report by August 1st of each year noting the findings. The report shall be forwarded to the Chief of Police for review. The Administrative Technician shall be the system coordinator and will handle adding and removing employees as appropriate.

Information and records associated with the EWS program are used for personnel purposes. Accordingly, they are confidential personnel files and not public records. Documents, data, and records shall be maintained by the Office of the Chief for a period of two (2) years.

1035.5 GUARDIAN TRACKING SYSTEM

This department will utilize Guardian Tracking® software in order to manage, track, and trigger alerts with respect to this Personnel Early Intervention System. All employees shall check the Guardian Tracking System at least one time during their work week.

It is the responsibility of all supervisors to enter all supplemental performance indicators listed below for each of their team members. The following shall serve as a guide to the supplemental performance indicators contained within Guardian Tracking® designed specifically for entry by Sergeants and Corporals.

1. Demeanor/Attitude - To be used when an employee exhibits, or is alleged to have exhibited, behavior that constitutes poor demeanor or attitude.

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2. Grooming/Dress - To be used when an employee's manner of grooming or dress is not in compliance with department policy;
3. Injury – On Duty - To be used whenever an employee is injured while on duty regardless of circumstances;
4. Injury of Arrestee - To be used when an arrestee is injured or receives medical treatment as a result of the process of being arrested. An entry in this category does not presuppose that the officer acted improperly or contrary to policy or procedure
5. Motor Vehicle Accident: On-Duty - To be used when an employee is involved in a Motor Vehicle Accident while on duty. An entry in this category does not presuppose that the employee was at fault;
6. Operation/Care of Equipment - To be used when an employee fails to properly care for or damages department equipment.
7. Favorable/Unfavorable - To be used when an employee's performance is sub-standard or not in compliance with the standards set forth by this department and training is required that needs to be documented in the form of a counseling notice.
8. Radio Procedure - To be used whenever an employee uses radio procedure that is contrary to department policy or FCC regulations;
9. Reports – To be used when an employee turns in a report that is poorly prepared, incomplete or otherwise improper
10. Tardiness - To be used whenever an employee reports for work after the time set forth by his/her schedule in accordance with department policy.
11. Use of Force Incident – To be used when the employee is involved in an incident that requires a Use of Force report to be completed.
12. Vehicle Operation – To be used when an employee operates a department vehicle on duty in an improper or unsafe manner.
13. Vehicle Pursuit Incident - To be used whenever an employee participates in a pursuit as either a primary or secondary unit as defined by department directive

Six separate instances of of the above supplemental performance indicators within any twelve-month period will trigger the Personnel Early Intervention System review process. If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead shall count as only one performance indicator.

The following incidents will only be entered into the Guardian Tracking®System by the Commander. Entries will only be made after review by the Internal Affairs Commander and approval by the Chief of Police, except an entry for Sick Day Used. This entry will be made without review by IA or approval from the Chief.

1. Court - Failure to Appear – To be used when an employee fails to appear before the court after proper notification has been given.

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2. Excessive Use of Force – Any use of force by an officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable.
3. Policy Violation - To be used when an employee violates departmental policy and none of the other categories available is appropriate.
4. Sick Time Abuse - To be used whenever an employee utilizes a sick day improperly or for an identified pattern of sick time use.
5. Sick Time Used - To be used whenever an employee utilizes an unexcused sick day.

On many occasions the Guardian system can be utilized to acknowledge an employee for a job well done. Below is a list of examples that should be utilized for entry by Sergeants, Corporals, Supervisors, and Command Staff. The success of this program relies heavily on the first-line supervisor's participation and involvement.

1. Application of Leadership Skills – To be used when an employee demonstrates or exhibits commendable actions that indicate his/her knowledge of job responsibilities.
2. Commendation - Official awards or citations that commend an employee's action.
3. Crime Scene Protection – To be used when an employee does an outstanding job in protecting a crime scene.
4. Exceptional Performance – actions that are above and beyond what is expected but may not be worthy of an official commendation.
5. Initiative- To be used when an employee either shows initiative in the performance of a job function or when needed to document the absence of initiative on the part of an employee;
6. Interviewing Skills - To be used when an employee has the ability to elicit required information from suspects, victims, witnesses and associates
7. Letter of Praise – Written correspondence received by the agency regarding positive actions demonstrated by an employee.
8. Notes - Notes are to be used to track any communications that do not need to be monitored.
9. Outstanding Community Involvement – To be used when an employee shows outstanding community involvement.
10. PCN - Commendation - To be used when an employee's behavior exceeds the expectations and standards set forth by this department. Behavioral anchors listed in the department evaluation can be used as a guide for what constitutes positive performance.
11. Positive Impact with Youths – To be used when an employee has a positive impact with local youths
12. Teamwork – to be used when employee(s) exhibits exceptional teamwork behavior;
13. Leadership Demonstrated – to be used when an employee exhibits exceptional leadership

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1035.6 REMEDIAL/CORRECTIVE ACTION

Once an officer has displayed the requisite number of performance indicators necessary to trigger the Personnel Early Intervention System review process the Commander will initiate remedial action to address the officer's behavior. When the Personnel Intervention System review process is initiated, the Commander should:

1. Formally notify the subject officer, in writing;
2. Conference with the subject officer and appropriate supervisory personnel;
3. Develop and administer a remedial program including the appropriate remedial/ corrective actions listed below;
4. Continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer);
5. Document and report findings to the appropriate supervisory personnel and, if warranted, request the initiation of an internal affairs complaint.

Any statement made by the subject officer in connection with the Personnel Intervention Warning System review process may not be used against the subject officer in any disciplinary or other proceeding.

If the early warning system reveals a potential problem through the presence of a flag in the Guardian Tracking® software, or as identified by a supervisor, the Chief of Police or designee will gather all relevant information from the system. A separate incident will be generated in the Guardian Tracking® software using the appropriate Early Warning Intervention Incident category.

The Chief of Police will cause a review of the data provided along with more detailed information available from department records. If this review indicates that the early warning system flag is unwarranted, the Chief of Police or designee will document this result in writing. The incident narrative placed in the Guardian Tracking®software may serve as adequate documentation.

If the review reveals that an employee has violated department policies and procedures, the Chief of Police may proceed with an internal investigation, if warranted. If the review reveals that the employee has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the Chief of Police shall determine the appropriate course of remedial action. All action taken will be documented in the Guardian Tracking® software under the previously created Early Warning Intervention Incident category. Remedial intervention may include but is not limited to:

1. Training or re-training
2. Counseling
3. Peer Support
4. Intensive supervision
5. Employee Assistance Program (EAP) referral; and
6. Any other appropriate remedial or corrective action.

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Internal disciplinary action and remedial action are not mutually exclusive and should be jointly pursued if and when appropriate. When remedial action has been undertaken, the Chief of Police or designee shall ensure that such actions are documented in writing. No entry should be made in the employee's personnel file, unless the action results in a sustained investigation. If the remedial action is training program attendance and successful completion of that program, it should be noted in the employee's training record.

The Chief of Police or designee shall cause a review of any individual employee's history anytime a new complaint is made. Using this information, the Chief of Police or designee may be able to identify employees who may need counseling, training or other remedial action even before such is indicated by the early warning system's ongoing data review.

Generally, three (3) triggers of performance indicators or flag indicators within any (12) month period would initiate the early warning system process. Generally, six (6) triggers of supplemental performance indicators within any twelve (12) month period would initiate the early warning system process.

All employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking®software, which will automatically be forwarded to the Chief of Police. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives. All regular monthly progress/status reports shall be submitted via the Guardian Tracking®software. All reports shall be forwarded to the Chief of Police through the Guardian Tracking® software for review.

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Attachments

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Hate Crime Checklist.pdf

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HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

BIAS

Type of Bias
(Check all characteristics that apply):

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you? ☐ Yes ☐ No

Has suspect ever harmed you? ☐ Yes ☐ No

Does suspect possess or have access to a firearm? ☐ Yes ☐ No

Are you afraid for your safety? ☐ Yes ☐ No

Do you have any other information that may be helpful? ☐ Yes ☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

CART PROTOCOL 2020.pdf

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SART Suspicious Injury Report Instructions.pdf

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SART CA Protocol.pdf

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SRU Procedure Manual Updated 040117 (1).pdf

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Active-Shooter-Guidline02-03-15.pdf

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Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

SART Evidentiary Exam Invoice.pdf

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CHILD ABUSE RESPONSE TEAM PROTOCOL

LAW ENFORCEMENT

I. STATEMENT OF PURPOSE

It is recognized that patrol officers are likely to be the first to begin the investigation of a suspected child abuse, neglect or sexual assault or complaint. The following is provided as a guideline to assist patrol officers and investigators in the investigation of these cases within Monterey County.

It is further recognized that there are several differences in investigating suspected child abuse, neglect and sexual assault. Many of the following procedures will be inapplicable to child abuse and neglect. **However, in all cases of child abuse and neglect where a forensic interview is indicated, all forensic interviews will take place at the Sally P. Archer Child Advocacy Center (ACAC) and will be arranged by contacting the Child Abuse Response Team (C.A.R.T.) Coordinator/ACAC Coordinator at (831)769-8682.**

Culturally and linguistically competent services will routinely be made available to all victim(s) and non-offending family members.

NOTE: AT NO TIME ARE SUSPECTS ALLOWED AT THE ACAC FOR ANY REASON.

II. INVESTIGATIVE PROCEDURES

A. The law enforcement agency or emergency response social worker who first encounters the child should consult their discipline's protocol for information on making a joint initial response.

B. Upon receipt of a suspected child abuse report, the patrol officer or investigator shall make an initial assessment to determine the need for the presence of Family and Children's Services (FCS) using the following criteria:

1. FCS must be notified in cases involving both intra-familial situations and extra-familial situations when the minor appears to be at continued risk of molest, abuse or neglect due to parent/caretaker inability to protect or unwillingness to believe minor's allegations;

2. FCS must be notified in cases that involve a Commercially Sexually Exploited Child (CSEC). For these cases, please also refer to the Tri-County CSEC MOU/Protocol. (See Appendix E)

3. Out-of-home molest, abuse or neglect cases when the first responder feels immediate crisis counseling or assistance is needed for the family, and;

4. Cases where there is some confusion as to the relationship of the perpetrator to the victim. The intent in responding to these cases is to assess the need for additional services for the minor and family.

C. The initial brief assessment may include interviews of the reporting party and the victim(s)**.** In those cases where FCS is an interested party in the welfare of the child, it is preferred the assessment interview of the victim(s) be conducted in the presence of both law enforcement and FCS to minimize the number of interviews of the victim(s).

D. The assessment interviews of sexual assault victim(s) should be limited to the determination of the following:

1. a crime has occurred;
2. jurisdiction;
3. statute of limitations;
4. additional victim and suspect information;
5. safety issues pertaining to the child;
6. if the suspect(s) is a flight risk, the community is at risk **OR** if it appears evidence may be destroyed and therefore immediate arrest (P.C. 836) is necessary.

   (a) If it is determined immediate arrest is necessary, the officer may conduct a more in-depth interview to establish sufficient probable cause for the arrest and filing of a criminal complaint.

   (b If immediate arrest is not indicated the detailed recorded forensic interview will be performed by a child interview specialist at the ACAC.

E. Assistance or advice from the District Attorney's office may be obtained prior to proceeding by contacting an attorney or investigator assigned to the Child Sexual Assault Unit. (NOTE: 24/7 availability of advice from the D.A.'s Office through the on-call D.A.)

F. Interviews of suspected child sexual assault victims should not be conducted by teachers, school counselors, or other non-law enforcement or non-FCS personnel. This practice subjects the child to unnecessary repetitive interviews and additional emotional trauma.

III. FORENSIC INTERVIEW

A. LOCATION

1. All interviews regardless of referring agency occur at the ACAC located at Natividad Medical Center, 1441 Constitution Blvd., Building 200, Salinas. The entrance is located on Care Lane.

B. INVESTIGATIVE ASSISTANCE

1. If the offense is investigated during the normal working hours of the agency's investigative support personnel, the patrol officer may request an investigator for assistance. The investigative supervisor shall determine the extent of assistance to be provided.

2. All interviews shall be done at the ACAC by a Child Forensic Interview Trained (CFIT) interviewer.

3. After-Hours Interviews - It is not recommended that nighttime interviews be conducted. There may be, however, some exigent cases involving older children which require a forensic interview after 4:00 p.m. The following procedures for requesting C.A.R.T. response should be followed.

   a. Contact County Communications and request contact with the District Attorney's Chief Investigator. The Chief Investigator will contact the supervising DDA for the unit.

C. PRE-INTERVIEW PROCEDURES

1. During normal working hours, prior to the ACAC interview, the investigating officer **may** consult with the D.A.'s Child Sexual Abuse Team D.A. Investigator, Deputy District Attorneys, or the Assistant District Attorney for guidance and/or direction. The investigation should not be delayed should no D.A.s be available.

2. Prior to the interview, the person designated to conduct the interview shall receive a briefing by the investigating officer as to the circumstances known concerning the allegation.

D. INTERVIEW PROCEDURES

1. In the event the interview is not observed by the investigating officer but by a different officer and the investigating officer has questions he/she wishes answered, these questions should be written and given to the interviewer at the beginning of the interview. The interview should not be interrupted for these questions.

2. There may be occasions when a follow-up interview is necessary. All follow-up interviews are to be conducted at the ACAC.

3. Persons allowed to observe the actual interview shall be limited to the investigating officer, FCS worker, member of the District Attorney's office, and medical personnel. Upon request, a victim/witness advocate from the District Attorney's office may also be present.

IV. SPECIAL NEEDS VICTIMS

A. When a child with special needs is encountered by the first responder(s), the responder(s) shall take care to see that any medications or special equipment (such as wheelchairs) the child may need are transported with the child and that arrangements are made for the child to receive whatever medication or special care they need while with the first responders or members of C.A.R.T. Information about the special needs of the child should be sought from those familiar with the child. The safety of the child should always be considered first, even at the risk of loss of physical evidence.

V. MEDICAL EXAMINATION

A. The law enforcement agency responsible for the investigation shall make the determination in consultation with the C.A.R.T. Coordinator and/or ACAC medical provider as to the need for a medical examination. This should be done upon having a clear understanding of the facts of the case, the need to secure physical evidence and in consultation with FCS, the physician, and District Attorney.

1. **ACUTE CASES**

(a) The initial assessment will also determine the need for an immediate medical examination of the victim(s). An immediate medical examination should be obtained if alleged penetration of the child's vagina, mouth or anus has occurred within 120 hours, or if the victim describes skin-to-skin contact, pain and/or bleeding, or painful urination. This shall be considered an "acute case".

(b) If the offense is investigated between 8:00 a.m. and 4:00 p.m. Monday through Friday, the agency should notify the C.A.R.T. Coordinator/ACAC Coordinator, who shall contact appropriate Team members and coordinate the appropriate response.

(c) The C.A.R.T. Coordinator/ACAC Coordinator, after conferring with the ACAC medical provider, will schedule an examination.

(d) If the Bates-Eldredge Clinic is unable to conduct the examination, the on-call S.A.R.T. examiner will be called out for response for the collection of evidence at Natividad Medical Center (NMC) or Community Hospital of the Monterey Peninsula (CHOMP). The examination will take place at the Bates-Eldredge Clinic following the arrival of the S.A.R.T. examiner at the NMC Emergency Room. If at CHOMP, the victim will be moved to the S.A.R.T. room from the Emergency Room upon arrival of the S.A.R.T. examiner.

(1) Evidence collected by the S.A.R.T. examiner shall be handled per the S.A.R.T Memorandum of Understanding (MOU) and agency policy.

(f) A follow-up colposcope examination at the Bates-Eldredge Clinic may be required. Acute examinations done at CHOMP by a S.A.R.T. examiner should be sent to the Bates-Eldredge Clinic upon completion for review and follow-up.

(g) Law enforcement shall provide information relating to the circumstances of the allegation to medical personnel prior to the sexual assault examination.

(h) Agencies and medical personnel must ensure the California Office of Emergency Services (OES) “Evidence Kit" and accompanying procedure is used for all acute cases. The agency responsible for the investigation is responsible for receiving, preserving, and coordinating laboratory examination of the evidence kit. That agency's policies and procedures for handling evidence shall be followed.

(i) The physician or examining nurse will conduct a limited interview of the victim as necessary to conduct the physical examination and evidence collection and complete the required state medical report. Law enforcement may remain at the ACAC or contact the medical provider for information regarding the examination following the completion of the examination

2. **NON-ACUTE CASES**

(a) A non-acute case is defined as an assault occurring more than 120 hours PRIOR to the report and with no obvious sign of acute injuries to the child.

(1) If a colposcope examination is required as part of an investigation to determine whether a crime has been

committed, the ACAC Coordinator should be contacted to schedule an examination. Non-acute cases are not an emergency and should not be taken to emergency rooms. Confer with the Bates-Eldredge medical provider to determine the need for a non-acute exam.

(2) Otherwise, it is recommended the agency not routinely seek medical care or other examination for an uninjured child disclosing past abuse. In these non-acute cases, medical assessment is normally not a time sensitive priority unless there is indication of injury or current infections. Moreover, where the investigating agency elects a complete Bates-Eldredge medical-legal examination, any prior examination will be duplicative. The agency should inform parents of the importance of working with the agency in avoiding unnecessary examinations and interviews of children.

VI. EVIDENCE COLLECTION

A. The law enforcement agency responsible for the investigation shall adhere to that agency's policies and procedures for the collection and preservation of evidence. These policies and procedures shall not be less than the standards and practice of the profession.

B. Evidence collected by law enforcement during the course of the investigation shall be retained by the law enforcement agency.

C. The evidence kit used by medical personnel shall be relinquished to law enforcement at the conclusion of the medical examination. The evidence kit and paperwork can be secured in a locked cabinet in the Bates-Eldredge Clinic adhering to chain of evidence if the officer is not present at the completion of the examination and may be picked up later.

D. Photographs-and DVDs produced by medical personnel conducting the sexual assault examination shall be retained by the medical personnel conducting the examination. Medical reports and the CAL-OES forms will be given or faxed to the authorizing agency upon completion. Additional copies may be obtained by the agency authorizing the examination.

VII. DOCUMENTATION:

A. Each agency, (law enforcement, district attorney, Family and Children's Services and medical personnel) shall complete the appropriate documentation for each investigation in accordance to that agency’s policies and procedures and those set forth in the Penal Code for such reporting.

1. Law enforcement personnel are encouraged to share their information with medical personnel for the completion of required **CAL-OES** forms.

B. All forensic interviews conducted at the ACAC shall be recorded.

1. The agency conducting the investigation shall provide a person to operate the recording equipment during the interview.
2. Upon completion of the interviews, one DVD-R becomes the property of the agency conducting the investigation and shall be placed into evidence according to the policies and procedures of that agency.
3. Law enforcement agencies having jurisdiction shall provide their own discs for recording the interview. (3 DVD-Rs)
4. The additional 2 discs shall go to the District Attorney's office for review.

C. It shall be the responsibility of the investigating officer to document in writing the interview of the child.

D. Law Enforcement shall complete the form "CAC Interview" with identifying information of the case while present at the ACAC.

VIII. FOLLOW-UP INVESTIGATION

A. C.A.R.T. will not assume any investigation nor shall it be responsible for follow-up investigation.

B. It shall be the responsibility of the initiating agency to conduct any further follow-up investigation and submit their findings to the District Attorney as warranted.

IX. DISSEMINATION OF REPORTS

A. Each agency producing documents concerning a sexual assault investigation shall be responsible for the timely dissemination of their reports to the appropriate agency.

B. The dissemination of reports shall be in accordance with department policy and state laws concerning the dissemination of such reports.

X. QUALIFICATIONS OF INTERVIEW SPECIALIST

A. Any law enforcement agency involved in and committed to the C.A.R.T. protocol may provide members of their staff as interview specialists. However, all interview specialists must have satisfactorily completed a multi-disciplinary interview team training program approved by P.O.S.T. or training

conducted by the California Office of Emergency Services (OES) recipient of the grant for training Certified Forensic Interview Specialists in order to conduct the interview. The interview should not be conducted by a non-trained person.

Federal law enforcement personnel shall have completed similar training according to standards set forth by their respective agency.

XI. PAYMENT AUTHORIZATION:

A. The agency requesting the sexual assault examination shall be responsible for the cost of said examination (Penal Code Section 13823.95, see Appendix A). No examination shall be conducted without prior written authorization from the law enforcement agency requesting the examination. Authorization shall be made by that person having authority to do so.

1. Law enforcement should consult with the District Attorney, medical personnel, FCS workers, and/or the C.A.R.T. Coordinator to determine the need for a sexual assault examination.

B. The law enforcement agency having jurisdiction of the investigation shall be responsible for the cost of the medical evidentiary examination. Per Penal Code Section 13823.95, any victim of a sexual assault who seeks a medical evidentiary examination shall be provided with one, regardless of their participation with the criminal justice system.

C. If the criminal complaint is filed by the District Attorney and the District Attorney requests a sexual assault examination, the cost shall be that of the District Attorney's Office.

D. Agencies utilizing the services of S.A.R.T. for victims over age **13** shall follow the payment guidelines set forth in the Memorandum of Understanding between the law enforcement agencies and the Sexual Assault Response Team (S.A.R.T.).

CHILD ABUSE RESPONSE TEAM PROTOCOL

FAMILY AND CHILDREN'S SERVICES

I. FAMILY AND CHILDREN'S SERVICES

A. The Department of Social Services, Family and Children's Services (FCS) will assess risk to the child and take steps to ensure the protection of the child whether an in-home or out-of-home molest has occurred. FCS must be contacted and should respond in the following cases:

1. Cases involving intra-familial situations

2. Cases where the minor appears to be at continued risk of molest due to parents/caretakers inability to protect or unwillingness to believe minor's allegations;

3. Cases involving a Commercially Sexually Exploited Child (CSEC). Please refer to the Tri-County CSEC Protocol for additional guidance. (See Appendix E)

4. Cases where there is some confusion as to the relationship of the molester to the minor (the intent in responding to these cases is to assess the need for additional services for the minor and family).

5. Out-of-home molest cases when law enforcement as the first responder feels immediate crisis counseling or assistance is needed for the minor and the family. FCS can be contacted and the appropriate response will be determined.

   a. If the report received is clearly an out-of-home situation with protective parents/guardians and there is no further risk of abuse to the child, a cross-report to FCS may be made at a later time.

B. Culturally and linguistically competent services will routinely be made available to all victim(s) and non-offending family members. When such services are necessary for a forensic interview and/or medical examination, services will be coordinated by the ACAC and paid for the by the investigating law enforcement agency.

NOTE: AT NO TIME ARE SUSPECTS ALLOWED AT THE ACAC FOR ANY REASON.

II. SERVICES PROVIDED BY FCS

A. FCS will receive and assign the matter to an Emergency Response Social Worker (ERSW). The referral will be categorized in one of the following ways: (a) minor is currently at risk of further abuse (Immediate Emergency Response [IER] - 24 hour response time); or (b) past abuse or no current risk to the minor (10-day response time); or (c) does not meet criteria for in-person response (Evaluate Out). If the referral is such that the ERSW is unable to determine whether the minor is safe, the referral will be categorized an IER. Referrals should only be evaluated out if collateral information clearly indicates the situation is out-of-home and the minor is not at continued risk of abuse or neglect. FCS will utilize the Structured Decision Making (SDM) Hotline Tool in assessing the referral.

B. If FCS is the first to receive the allegation, the ERSW will be responsible for the initial screening of the allegation. If there is sufficient information to determine the likelihood that child sexual abuse has occurred, the ERSW will attempt to determine the proper jurisdiction where the crime happened prior to responding. At that time, patrol or an investigator in the correct law enforcement jurisdiction should be notified and a verbal cross-report made. If the referral is an IER, law enforcement should be asked to respond to the location of the child to meet the ERSW. If not an IER, a time can be scheduled to interview the child. The interview of the minor(s) should be conducted by a CFIT-trained interviewer in the presence of both law enforcement and FCS to minimize the number of interviews of the minor(s).

C. ASSESSMENT

1. The initial assessment of the minor(s) should be limited to determine if a crime has occurred, immediate medical needs of the minor (injuries obtained during the assault), jurisdiction, safety issues for the child, ability of parents/guardians to protect, additional minors at risk, statute of limitations (when the crime occurred), possible evidence that may be in danger of being destroyed (acute cases - occurring within 120 hours of the assault; non-acute cases more than 120 hours since the assault), risk to the community, and possible flight risk of the suspect.

2. If the initial assessment substantiates that further investigation is warranted, the investigating officer will arrange for the child to have a detailed interview by a Child Interview Specialist at the Archer Child Advocacy Center (ACAC) by contacting the C.A.R.T./ACAC Coordinator at (831) 769-8682. A referral for an interview or examination at the ACAC should be made by the investigating officer following a statement by a child or a reasonable suspicion that a

sexual assault has occurred. If there is sufficient knowledge by the reporting party or parent that such an assault has happened, a statement by the child is not necessary in order to make a referral to the ACAC.

3. When a child with special needs is encountered by the ERSW or the investigating officer, they shall take care to see that any medications or special equipment (such as wheelchairs) the child may need are transported with the child. In addition, arrangements should be made for the child to receive whatever medications or special care they need while with the ERSW or investigating officer. Information about the child's special needs should be sought from those familiar with the child at the scene. The safety of the child should always be considered first, even at the risk of loss of physical evidence.

4. If the child is at imminent risk of further abuse, the ERSW will arrange with law enforcement to facilitate placing the child in protective custody. The ERSW will then be responsible for the placement of the child in foster care or with protective family members. If placed, the ERSW will take responsibility for ensuring the child is made available for all follow-up interviews or appointments as needed, including the ACAC interview and Bates-Eldredge Clinic examination.

5. If the child is not at risk, the ERSW or investigating officer will contact the ACAC Coordinator to schedule an appointment for the child to be interviewed and coordinate with the family to make the scheduled appointment.

D. MEDICAL EXAMINATION

1. The ERSW may assist law enforcement, if requested, in arranging for medical examinations based on the needs of the minor. Between the hours of 8 a.m. and 4 p.m., the ACAC Coordinator should be contacted to schedule the appointment at the Bates-Eldredge Clinic, located at the ACAC at Natividad Medical Center.

   If the case is an acute case (i.e. occurred within the last 120 hours), and the Bates-Eldredge Clinic is unable to conduct the medical examination due to medical provider unavailability, law enforcement should activate S.A.R.T. for the examination and evidence collection. The victim should be transported to the Emergency Department at Natividad Medical Center (NMC) or Community Hospital of the Monterey Peninsula (CHOMP).

   In non-acute cases, the ACAC Coordinator will schedule a medical examination at the next available time.

E. ADDITIONAL ERSW RESPONSIBILITIES

1. Observe the interview of children involved in these cases, as determined by the members of the team.

2. Coordinate with the team in the assessment and investigation of the case.

3. Collaborate with the Deputy District Attorney, agency investigator, and ACAC medical provider to determine if a medical examination is indicated.

4. Present the social services perspective on the decision to file criminal charges.

5. Based on the finding of the investigation and the recommendations of the other agencies involved, decide if a Welfare and Institutions Code 300 Dependency Petition needs to be filed to protect the child or if the family would be able to protect the child while participating with voluntary Family Maintenance Services.

6. Determine whether the child needs transportation to the follow-up interview at the ACAC or for any medical appointment scheduled at the Bates-Eldredge Clinic. Assist in making arrangements for such transportation if needed. However, the child can only be transported by FCS if they have been placed in protective custody by law enforcement or are declared dependents of Monterey County under Welfare and Institutions Code Section 300. If the child remains in the care of a non-offending parent and that parent is requesting a ride for follow-up appointments, the ERSW may be able to provide or arrange for such transportation.

F. AFTER-HOURS PROCEDURES

After-hours - Standby Social Workers (SW) shall follow the protocol as set forth, with minor modifications:

1. If a report of child sexual abuse is made to a Standby Social Worker, the SW and investigating officer will need to obtain the same information as the daytime worker.

2. In addition, the SW and investigating officer will assess the need for an immediate medical examination for the preservation of evidence. If an acute case (see earlier definition), the child should be taken to the Emergency Department located at NMC or CHOMP, where the S.A.R.T. Protocol will be initiated. S.A.R.T will conduct the medical examination only, collecting forensic evidence of sexual assault and seeing to the immediate medical needs of the minor. Review of the

S.A.R.T. examination and/or follow-up examinations will be done by the medical provider at the Bates-Eldredge Clinic as soon as possible. The SW or an advocate from Monterey County Rape Crisis Center may be present and available to support the minor during the examination. The decision for this medical examination ultimately rests with the investigating officer and his/her agency. The agency requesting the examination will be responsible for the cost of the examination, as required by Penal Code Section 13823.95.

3. If the report involves a non-acute case and it can be determined that the minor is currently safe from further molest, the information can be taken and referred to the daytime staff promptly on the first working day following the report. An appointment for an interview will then be scheduled by contacting the ACAC Coordinator. The non-offending parent should be advised that they will be contacted regarding appointments for interviews and possible medical examinations.

III. CHILD INTERVIEW SPECIALISTS TRAINING REQUIREMENTS

A. ERSWs wishing to be a Child Interview Specialist for the purposes of this protocol shall have completed a minimum of the Child Forensic Interview Training I (CFIT I) and Child Forensic Interview Training II (CFIT II) or document 40 hours of specific Child Forensic Interview Training in place of CFIT II. This training should be consistent with the training currently offered by the California Office of Emergency Services (OES**)** known as the Child Forensic Interview Training (CFIT), an accepted, standardized training in the State of California.-

B. ERSWs will need to provide certification of the completion of this training, including an outline of the training if attending training provided by someone other than the Cal-OES designated provider of the CFIT training in order to be considered a Child Interview Specialist.

CHILD ABUSE RESPONSE TEAM PROTOCOL

DISTRICT ATTORNEY'S OFFICE

I. DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office will have responsibility for filing and prosecuting criminal cases when the evidence gathered from the child's interview and/or other supporting evidence is sufficient to support criminal prosecution. The District Attorney's Office will participate in the C.A.R.T. multi-disciplinary interview team process to determine if criminal charges will be filed. The presence of the assigned Deputy District Attorney or Investigator in the observation area assures that the Deputy District Attorney can obtain information about the suitability of the child as a witness without an additional interview of the child.

The District Attorney's Office maintains a child sexual assault unit, including but not limited to two Deputy District Attorneys specifically trained and assigned to felony child sexual assault cases, one District Attorney Investigator III trained as a child sexual assault investigator who is cross-trained as a Child Interview Specialist (CIS), and an experienced unit secretary for clerical support.

To reduce trauma to the child and to enhance prosecution, the District Attorney's Office Child Sexual Assault Unit will handle all felony criminal prosecutions of crimes involving child sexual assault in a "vertical prosecution" format.

One District Attorney's Office Child Sexual Assault Investigator/Child Interview Specialist (CIS) will be assigned to participate as needed with the C.A.R.T. He/She will be available to conduct, assist and/or witness the forensic interviews of children in child sexual assault and felony abuse and neglect cases covered by this protocol, particularly when it appears likely that the case will proceed to a request for filing of a criminal complaint.

The Deputy District Attorney assigned will observe first hand (and/or review the recording of) the child's interview to reduce the number of interviews of the child, and to assist him/her in assessing the child as a witness.

Culturally and linguistically competent services will routinely be made available to all victim(s) and non-offending family members.

NOTE: AT NO TIME ARE SUSPECTS ALLOWED AT THE ACAC FOR ANY REASON.

II. SERVICES PROVIDED BY THE DISTRICT ATTORNEY'S OFFICE

A. Observe the forensic interview of the child for the purpose of obtaining filing information and assessing the competency of the children as witnesses in court and to provide suggestions for follow-up questions during the interview.

B. Consult with law enforcement officers and/or Emergency Response Social Workers (ERSWs) to determine the nature and extent of any supplemental investigation which may be necessary and to determine whether a medical/evidentiary examination is indicated.

C. Assist law enforcement officers with search and arrest warrants and other legal questions that may arise during the investigation stage.

D. Make filing decisions regarding criminal charges against defendants.

E. Exchange information with the ERSW of Family and Children's Services (FCS), medical personnel and law enforcement agencies.

F. Make available to law enforcement agencies a District Attorney Investigator trained as a Child Interview Specialist (CIS) to conduct the forensic interview of a child as needed. These investigators will also be available as interviewers in cases of child sexual molest, felony physical abuse, felony neglect, homicide and/or when a child is the witness to a serious crime and a CIS is needed to qualify the child as a witness.

III. INITIATING C.A.R.T. RESPONSE

A. To request the C.A.R.T. team during regular office hours (8:00 a.m.-4:00 p.m.), please contact the ACAC/C.A.R.T. Coordinator at (831) 769-8682.

B. Although nighttime interviews are not advisable, there may be some exigent cases involving older children which require a forensic interview after 4:00 p.m. If the C.A.R.T. Coordinator is not available to call out the District Attorney staff, then the law enforcement agency conducting the investigation may request the on-call Chief Investigator through county communications to request the District Attorney or Investigator assigned to the C.A.R.T.

IV. PROCEDURES TO CALL OUT DISTRICT ATTORNEY STAFF

A. The law enforcement agency or ERSW that first encounters the child should consult their discipline's protocol for information on making a joint initial response.

B. If for any reason the C.A.R.T. Coordinator can not be contacted and a District Attorney staff member is needed during normal business hours, the District Attorney's Chief Investigator will be contacted.

C. In the event that the C.A.R.T. Coordinator and Chief Investigator are unavailable during normal business hours, the District Attorney's Child Sexual Assault Unit will be contacted to assist.

D. After-Hours Interviews - Although nighttime interviews are not advisable, there may be some exigent cases involving older children which require a forensic interview. If the C.A.R.T. Coordinator is not available to call out the District Attorney staff, then the law enforcement agency conducting the investigation may request the on-call Investigator through county communications to request the District Attorney or Investigator assigned to the C.A.R.T.

V. DISTRICT ATTORNEY'S OFFICE COORDINATION RESPONSIBILITIES:

A. The Attorney Supervisor from the District Attorney's Office will coordinate a yearly meeting, to be held in December of each year, with the designated contacts of all involved agencies for the required periodic review, to include:

1. the protocol itself;
2. audit and review of the training procedures described in the protocol; and
3. planning and arranging for ongoing training for professionals involved in the investigation of child abuse.

B. The annual dissemination (following the annual review process) of the protocol as revised, to all participating or affected agencies.

VI. THE DISTRICT ATTORNEY VICTIM/WITNESS PROGRAM

A. The District Attorney's Office maintains victim/witness staff at their office in Salinas, and provides victim/witness assistance by appointment in Monterey and King City. These staff members may in some cases be able to assist the victim/witness with claims for assistance, assist with witness transportation once charges are filed, and either act as an advocate or assist a victim/witness in obtaining an advocate to assist the victim/witness throughout court proceedings.

CHILD ABUSE RESPONSE TEAM PROTOCOL

SALLY P. ARCHER CHILD ADVOCACY CENTER
BATES-ELDREDGE CHILD SEXUAL ABUSE CLINIC

I. LOCATION

The Sally P. Archer Child Advocacy Center (ACAC) is located at Natividad Medical Center, 1441 Constitution Blvd., Salinas, CA. Housed within the ACAC is the Bates-Eldredge Child Sexual Abuse Clinic. The Child Abuse Response Team (C.A.R.T.) utilizes this facility to conduct forensic interviews and medical-legal examinations of abused children.

Culturally and linguistically competent services will routinely be made available to all victim(s) and non-offending family members.

NOTE: AT NO TIME ARE SUSPECTS ALLOWED AT THE ACAC FOR ANY REASON

II. SERVICES PROVIDED

A. Medical-legal examinations of children where there is suspected or actual sexual abuse that identify and collect evidence to assist in the criminal prosecution of perpetrators of child abuse. The examination consists of an in-depth evaluation using state of the art colposcopy and personnel with specialized training in sexual abuse examinations.

B. Coordination of medical-legal examinations and C.A.R.T. forensic interviews of children reporting allegations of physical or sexual abuse.

C. Coordination of follow-up services as needed.

D. Expert testimony.

E. The ACAC Coordinator may participate in the C.A.R.T. interview as a child interview specialist as needed.

F. The ACAC Coordinator will schedule a monthly case review with involved agencies for the purpose of critiquing procedures and methods used to improve services provided by C.A.R.T. and the multi-disciplinary interview team process.

G. The Bates-Eldredge Clinic will coordinate and facilitate weekly multidisciplinary Suspected Child Abuse and Neglect (SCAN) team meetings to discuss all cases of suspected child abuse and neglect reported at Salinas area hospitals. Team members may include law enforcement, child welfare, hospital social services, public health, and medical personnel.

1. All cases discussed will have previously been reported to law enforcement and/or child protective services pursuant to Penal Code Sections 11160, 11166, and 11166.05. A Suspected Child Abuse Report (SCAR)/SS 8572 form will have already been submitted.

2. Information shared during SCAN meetings and among identified team members will be confidential per California Welfare and Institutions Code Sections 10850.1, 18951, 18961.7, and 18964.

III. MEDICAL-LEGAL EXAMINATION

A. **ACUTE CASES** - An acute case is defined as involving alleged penetration of a child's vagina, mouth or anus within 120 hours, or if there is any injury or bleeding, pain on urination, or abdominal pain due to the assault.

1. If the offense is investigated between 8:00 a.m. and 4:00 p.m., Monday through Friday, the agency should call the ACAC Coordinator at (831) 769-8682 for immediate scheduling of a child sexual assault examination.

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2. If the Bates-Eldredge Clinic is unable to conduct the examination within the necessary time frame, the ACAC Coordinator will notify law enforcement and request S.A.R.T. activation and notify them of the need for an examination.

3. Review of the S.A.R.T. examination and/or follow-up examinations will be done by the medical provider of the Bates-Eldredge Clinic as soon as possible.

4. If the offense is investigated after hours**,** S.A.R.T**.** should be used for the examination.

B. **NON-ACUTE CASES** - Non-acute cases are defined as those where the assault occurred more than 120 hours prior to the report being made, with no obvious sign of acute injuries to the child.

1. In non-acute cases, the ACAC Coordinator shall be contacted to schedule an examination if the investigating agency determines a colposcopic examination is required to determine whether a crime has been committed.

2. Non-acute cases should not be taken to the emergency room.

3. In non-acute cases, it is recommended that law enforcement seek medical consultation to determine the need for a non-acute examination. In non-acute cases, medical assessment is normally not a time-sensitive priority unless there is an indication of injury or current infections

4. Parents may wish to seek medical attention for their children on their own. The agency should inform the parents of the importance of working with the agency to avoid unnecessary examinations and interviews of children. If parents or any victim over age 12 wish for an exam and law enforcement is not authorizing a medical-legal examination, the agency involved in that case should notify the C.A.R.T. Coordinator to schedule an exam at the Bates-Eldredge Clinic. The charge for this exam will not be billed to law enforcement.

C. COLLECTION AND PRESERVATION OF EVIDENCE

1. Medical personnel shall adhere to the evidence collection procedures set forth in Section 13823.11 of the Penal Code. (See Appendix A)

2. Upon completion of the sexual assault examination, the evidence kit, clothing or other pertinent evidence shall be relinquished to the law enforcement agency or stored in a secure locked cabinet following chain of custody requirements and released to the officer accordingly.

3. ACAC personnel shall retain in their possession and care all medical reports, photographs, and films produced as a result of the examination. Copies may be obtained by the agency requesting the examination with a signed release form.

D. LAW ENFORCEMENT RESPONSIBILITIES

1. Law Enforcement personnel will be responsible for the signing of authorization of payment for the examination. No examination will be conducted without a signed authorization form on file.

2. Prior to the examination, law enforcement shall advise the examiner of all pertinent information concerning the assault and victim.

3. Law enforcement shall be responsible for documentation of all interviews at the ACAC.

4. Law Enforcement shall take possession of the evidence kit and clothing or other evidence including any Cal-OES form

produced with the exception of photos, films, and medical records produced by medical personnel conducting the medical-legal examination.

E. MONTEREY COUNTY RAPE CRISIS CENTER (MCRCC)

1. As part of the Bates-Eldredge Clinic internal protocol, a rape crisis advocate will be offered to the victim and family. MCRCC will be contacted to provide advocates during all medical-legal examinations performed at the Bates-Eldredge Clinic. This is covered under the Operational Agreement between MCRCC and the Archer Child Advocacy Center/Bates-Eldredge Clinic.

CHILD ABUSE RESPONSE TEAM PROTOCOL

CHILDREN'S BEHAVORIAL HEALTH
MONTEREY COUNTY HEALTH DEPARTMENT

I. BEHAVIORAL HEALTH

A. The Department of Children's Behavioral Health, Monterey County Health Department, is located at various locations in Monterey County. The Child Abuse Response Team (C.A.R.T.) includes Children's Behavioral Health in the protocol as a necessary element in providing appropriate services to children and families who are brought to the Archer Child Advocacy Center (ACAC) for forensic interviews following allegations of child sexual abuse.

B. Culturally and linguistically competent services will routinely be made available to all victim(s) and non-offending family members

NOTE: AT NO TIME ARE SUSPECTS ALLOWED AT THE ACAC FOR ANY REASON.

II. SERVICES PROVIDED

A. Specific staff shall be designated as assigned to the ACAC, Bates-Eldredge Clinic and C.A.R.T.
B. Assessment as requested at the ACAC when a child exhibits behavior that is dangerous to themselves or others.
C. Conduct an initial needs assessment of child victims after the forensic interview is completed.
D. If possible, will observe the child interview in progress in order to prepare the family to respond to their child following the forensic interview.
E. Provide an initial needs assessment of caretaker's ability to cope and provide support to the victim, in cooperation with other team members.
F. Provide emotional support and crisis counseling to any non-offending parent while the forensic interview process takes place.
G. Make a recommendation and identify the follow-up treatment needs of the family.
H. Refer children and parents who are eligible for Behavioral Health services to Behavioral Health.
I. Provide referral services to other sources if eligibility for Behavioral Health services is denied.
J. Consultation with other C.A.R.T. members as requested regarding mental illness or symptomology noted by C.A.R.T. members during contact with children or families to determine the nature and extent of services needed.

K. Participate in pre-interview and case discussion to become familiar with family/case dynamics, language and cross-cultural issues that may affect the outcome of any intervention.
L. Exchange information with C.A.R.T. members on an as-needed basis.
M. Participate in the case review of clients seen at the ACAC, providing follow-up information regarding the treatment of children and families seen by Behavioral Health.
N. Participate in team meetings, case reviews and training with the other Multi-Disciplinary Team (MDT) members.
O. Coordinate follow-up services to ensure access and utilization of therapeutic resources as needed.

CHILD ABUSE RESPONSE TEAM

MULTI-DISCIPLINARY TEAM CASE REVIEW

I. STATEMENT OF PURPOSE

To review cases handled by the ACAC and MDT in an effort to provide cases as complete and comprehensive as possible for successful prosecution.

DEFINITIONS:

ACAC – Archer Child Advocacy Center
D.A. – District Attorney
MDT – Multi-Disciplinary Team

A. Case Review is scheduled monthly by the ACAC/C.A.R.T. Coordinator and facilitated by the District Attorney.

B. Case Review meetings take place in the conference room at the District Attorney's office located in Salinas behind the main courthouse.

C. Attendees include the Assistant District Attorney assigned to the Sexual Assault Unit who will chair the meeting, the law enforcement officer, the forensic interviewer, the forensic examiner, the Family and Children's Services social worker, the Children's Behavioral Health provider/therapist, Behavioral Health Supervisor, a representative from Monterey County Rape Crisis Center, the Victims of Crime advocate, the ACAC Coordinator, and the ACAC medical provider.

All attendees are MDT members.

D. Cases for review:

a. Any member of the MDT may request review of cases of concern that have not yet progressed to the stage of filing for prosecution
b. Cases with multiple victims
c. High-profile cases (e.g. school teachers, clergy, coaches, etc.)
d. Cases with cultural concerns
e. Cases from all jurisdictions will be reviewed on a rotational basis

E. The ACAC Coordinator will notify the MDT members involved in each specific case and distribute the agenda with the date, time and location of the meeting to all designated attendees as specified in Section 3 of this document.

F. All cases identified for review will be forwarded to the District Attorney, who will remind all participants that information discussed in the meeting is confidential and each participant will be required to sign a confidentiality statement to that effect at each meeting to cover the content of that specific meeting.

G. Reports from each of the disciplines involved in the case will be discussed and any issues addressed, including each aspect of the progress of the case such as child protection, dependency issues, the emotional support and treatment needs of the victim and those of the non-offending family members and if necessary, any relevant cross-cultural issues. The forensic interview and medical evaluation will be reviewed and discussed.

H. Discussions may include the latest research, agency interventions, limitations, identification of service gaps, issues of family dynamics, developmental and/or emotional disabilities, parenting styles and child-rearing practices, gender roles, religious beliefs, socioeconomics and cultural dynamics and behaviors. By bringing together all of the disciplines involved in a case in a strictly confidential and non-threatening, multi-disciplinary setting, a frank and valuable discussion by each team member can occur so that concerns and questions can be addressed.

I. At the completion of the case review, pertinent information derived from case review is provided to the responsible parties. As a result a comprehensive and cohesive plan will evolve which will incorporate the best strategies to pursue for a successful outcome which may include forwarding the case for prosecution.

J. These recommendations will be communicated via telephone or in-person to involved parties by the Assistant District Attorney assigned to the Sexual Assault Unit.

K. Regular case review meetings will provide an opportunity for team members to increase understanding of each member's role. This will foster a strong, cohesive and knowledgeable team for the comprehensive management of child abuse cases in order to maximize the potential for a successful outcome.

CHILD ABUSE RESPONSE TEAM

CASE TRACKING

I. STATEMENT OF PURPOSE

To maintain statistics reflecting the outcome of cases brought to the Archer Child Advocacy Center (ACAC) to ensure cases are followed through to completion.

II. SCHEDULING OF INTERVIEWS

A. Interviews are scheduled by the investigating officer contacting the ACAC Coordinator to schedule a date and time.

III. INFORMATION PROVIDED AT INTERVIEW

A. When the child is present at the ACAC, the investigating officer completes the CAC Interview form that includes the following information:

1. Victim name, age, and language of communication
2. Date of birth
3. Date of interview
4. Non-offending parent/caretaker name, address and contact telephone number
5. Suspect name and age
6. Relationship of suspect to victim
7. Zip code where incident happened
8. Investigating law enforcement agency
9. Officer or detective involved
10. Report number
11. Persons observing the interview
12. Interviewer's name
13. Outcome of the interview as discussed with the MDT members observing the interview

B. The above document is provided to the ACAC Coordinator, who enters it on a spreadsheet kept on her password protected computer, locked in the Coordinator's office.

III. CASE FOLLOW-UP

A. As the cases progress, the investigating agency is requested to document the following information:

1. Suspect name
2. Case number

3. Victim name (or additional names if more victims have been identified)
4. If the case was sent to the District Attorney
5. If the case was not sent to the District Attorney, the reason why
6. If the case was accepted or rejected by the District Attorney
7. If rejected, the reason why

B. On a monthly basis, the ACAC Coordinator will contact the investigator involved in each case to obtain an update on the progress of the case. This request includes the following identifying information:

1. Case number
2. Victim name
3. Suspect name
4. Date of interview
5. Status of the investigation

C. All of the information received will be added to the ACAC Coordinator's spreadsheet.

D. If the case has been accepted for prosecution by the District Attorney, that office will be requested to provide the following information:

1. The name of the Deputy District Attorney assigned
2. Charges filed
3. If the case is still pending
4. Whether or not the suspect pled and to what charges
5. Whether or not there was a court or jury trial
6. What was the outcome of that trial
7. What was the sentence

E. In addition to this information, data will be gathered from the Behavioral Health therapist assigned to the ACAC. The data will include if the child is participating in therapy and the name of the therapist, and this data will be entered on the spreadsheet along with all other case data.

F. On a quarterly basis, the updated data is reported to CAPC-QA committee.

G. All MDT members have access to the Case Tracking information by contacting the ACAC Coordinator.

H. Case Tracking data will be summarized on an annual basis in the format recommended by NCA.

APPENDIX A

LAW

11165.9 Child Protective Agency

As used in this article, "child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department. It does not include a school district police or security department.

13823.95 PC Sexual Assault victims; examinations to gather evidence for prosecution; costs

No costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the examination of the victim of a sexual assault, as described in the protocol developed pursuant to Section 13823.5, when the examination is performed, pursuant to Sections 13823.5 and 13823.7, for the purposes of gathering evidence for possible prosecution, shall be charged directly or indirectly to the victim of the assault. Those costs shall be treated as local costs and charged to the local government agency in whose jurisdiction the alleged offense was committed.

Bills for these costs shall be submitted to the law enforcement agency in the jurisdiction in which the alleged offense was committed which requests the examination.

13823.11 PC Sexual assault victim examination and treatment; minimum standards; preservation and disposition of evidence (updated 2/2012)

13823.11. The minimum standards for the examination and treatment of victims of sexual assault or attempted sexual assault, including child molestation and the collection and preservation of evidence therefrom include all of the following:
(a) Law enforcement authorities shall be notified.
(b) In conducting the physical examination, the outline indicated in the form adopted pursuant to subdivision (c) of Section 13823.5
shall be followed.
(c) Consent for a physical examination, treatment, and collection of evidence shall be obtained.
(1) Consent to an examination for evidence of sexual assault shall be obtained prior to the examination of a victim of sexual assault and shall include separate written documentation of consent to each of the following:
(A) Examination for the presence of injuries sustained as a result of the assault.
(B) Examination for evidence of sexual assault and collection of physical evidence.
(C) Photographs of injuries.
(2) Consent to treatment shall be obtained in accordance with usual hospital policy.
(3) A victim of sexual assault shall be informed that he or she may refuse to consent to an examination for evidence of sexual assault, including the collection of physical evidence, but

that a refusal is not a ground for denial of treatment of injuries and for possible pregnancy and sexually transmitted diseases, if the person wishes to obtain treatment and consents thereto.

(4) Pursuant to Chapter 3 (commencing with Section 6920) of Part 4 of Division 11 of the Family Code, a minor may consent to hospital, medical, and surgical care related to a sexual assault without the consent of a parent or guardian.

(5) In cases of known or suspected child abuse, the consent of the parents or legal guardian is not required. In the case of suspected child abuse and nonconsenting parents, the consent of the local agency providing child protective services or the local law enforcement agency shall be obtained. Local procedures regarding obtaining consent for the examination and treatment of, and the collection of evidence from, children from child protective authorities shall be followed.

(d) A history of sexual assault shall be taken. The history obtained in conjunction with the examination for evidence of sexual assault shall follow the outline of the form established pursuant to subdivision (c) of Section 13823.5 and shall include all of the following:

(1) A history of the circumstances of the assault.

(2) For a child, any previous history of child sexual abuse and an explanation of injuries, if different from that given by parent or person accompanying the child.

(3) Physical injuries reported.

(4) Sexual acts reported, whether or not ejaculation is suspected, and whether or not a condom or lubricant was used.

(5) Record of relevant medical history.

(e) (1) If indicated by the history of contact, a female victim of sexual assault shall be provided with the option of postcoital contraception by a physician or other health care provider.

(2) Postcoital contraception shall be dispensed by a physician or other health care provider upon the request of the victim.

(f) Each adult and minor victim of sexual assault who consents to a medical examination for collection of evidentiary material shall have a physical examination which includes, but is not limited to, all of the following:

(1) Inspection of the clothing, body, and external genitalia for injuries and foreign materials.

(2) Examination of the mouth, vagina, cervix, penis, anus, and rectum, as indicated.

(3) Documentation of injuries and evidence collected.

Prepubertal children shall not have internal vaginal or anal examinations unless absolutely necessary. This does not preclude careful collection of evidence using a swab.

(g) The collection of physical evidence shall conform to the following procedures:

(1) Each victim of sexual assault who consents to an examination for collection of evidence shall have the following items of evidence collected, except where he or she specifically objects:

(A) Clothing worn during the assault.

(B) Foreign materials revealed by an examination of the clothing, body, external genitalia, and pubic hair combings.

(C) Swabs and slides from the mouth, vagina, rectum, and penis, as indicated, to determine the presence or absence of sperm and sperm motility, and for genetic marker typing.

(D) If indicated by the history of contact, the victim's urine and blood sample, for toxicology purposes, to determine if drugs or alcohol were used in connection with the

assault. Toxicology results obtained pursuant to this paragraph shall not be admissible in any criminal or civil action or proceeding against any victim who consents to the collection of physical evidence pursuant to this paragraph. Except for purposes of prosecuting or defending the crime or crimes necessitating the examination specified by this section, any toxicology results obtained pursuant to this paragraph shall be kept confidential, may not be further disclosed, and shall not be required to be disclosed by the victim for any purpose not specified in this paragraph. The victim shall specifically be informed of the immunity and confidentiality safeguards provided herein.

(2) Each victim of sexual assault who consents to an examination for the collection of evidence shall have reference specimens taken, except when he or she specifically objects thereto. A reference specimen is a standard from which to obtain baseline information (for example: pubic and head hair, blood, and saliva for genetic marker typing). These specimens shall be taken in accordance with the standards of the local criminalistics laboratory.

(3) A baseline gonorrhea culture, and syphilis serology, shall be taken, if indicated by the history of contact. Specimens for a pregnancy test shall be taken, if indicated by the history of contact.

(4) (A) If indicated by the history of contact, a female victim of sexual assault shall be provided with the option of postcoital contraception by a physician or other health care provider.

(B) Postcoital contraception shall be dispensed by a physician or other health care provider upon the request of the victim.

(h) Preservation and disposition of physical evidence shall conform to the following procedures:

(1) All swabs and slides shall be air-dried prior to packaging.

(2) All items of evidence including laboratory specimens shall be clearly labeled as to the identity of the source and the identity of the person collecting them.

(3) The evidence shall have a form attached which documents its chain of custody and shall be properly sealed.

(4) The evidence shall be turned over to the proper law enforcement agency.

APPENDIX B

Glossary of Terms and Abbreviations

Bates-Eldredge Clinic: Name of the clinic designed and equipped to conduct medical-legal examinations of sexual assault victims. It has medical professionals specially trained to conduct evidentiary examinations of child sexual assault victims. The Bates-Eldredge Clinic is located in the Sally P. Archer Child Advocacy Center located at Natividad Medical Center. The clinic operates during normal business hours.

ACAC: Archer Child Advocacy Center: Located at Natividad Medical Center, this facility has an interview room that is equipped with equipment for the recording of interviews. It provides an observation room, office for clinic staff, doctor work station, family waiting room, and officer work area. The ACAC also houses the Bates-Eldredge Clinic.

Cal-OES: California Office of Emergency Services

CAPC: Monterey County Child Abuse Prevention Council

C.A.R.T: The Child Abuse Response Team of Monterey County

CFIT: Child Forensic Interview Training

CHOMP: The Community Hospital of the Monterey Peninsula

CIS: Child Interview Specialist. For the purposes of this protocol this is any law enforcement officer, emergency response social worker and/or medical social worker who has received special training in the multidisciplinary interview team process as related to child victims as described in the minimum standards and training of this protocol.

FCS: Family and Children Services, formerly Child Protective Services (CPS), a branch within the Monterey County Department of Social Services

DSS: Monterey County Department of Social Services

ERSW: Emergency Response Social Worker. This may be a FCS social worker who responds (or assists) to assess the protection needs of children.

IER: Immediate Emergency Response from FCS

MDIT: Multi-Disciplinary Interview Team

MDT: Multi-Disciplinary Team

NMC: Natividad Medical Center. The county hospital located at 1441 Constitution Blvd. in the city of Salinas.

S.A.R.T.: Sexual Assault Response Team - The name of a group of medical examiners specially trained to conduct evidentiary examinations of adult sexual assault victims. S.A.R.T examiners are on call to provide 24-hour service. Under circumstances described in this protocol, they may perform examinations of children under the age of 13 years. They will respond to NMC or CHOMP.

SW: Social worker

APPENDIX C

CHILD ABUSE RESPONSE TEAM PROTOCOL
RESOURCE LIST

Sally P. Archer Child Advocacy Center	PHONE	769-8682
& Bates-Eldredge Child Abuse Clinic	FAX	796-1600
Monterey County Behavioral Health		796-1500
Monterey County District Attorney's Office		755-5070
D.A. Sexual Assault Unit:		
Assistant District Attorney Ed Hazel		755-5076
Dep. D.A. Cristina Johnson		755-5330
Dep. D.A. Megan Carter		784-5693
Dep. D.A. Angela McNulty		755-5258
Dep. D.A. Elaine McCleaf		755-5246
D.A. Investigator Christina Gunter		755-5345
D.A. Investigator Jorge Ramirez		755-5256
Supervising D.A. Investigator Ryan McGuirk		796-6055
District Attorney Victim/Witness Program		755-5072
Monterey County Sheriff's Department		
Domestic Violence/Sexual Assault Unit		755-3772
Monterey County Department of Social Services		(800) 606-6618
Family and Children's Services Hotline		755-4661
Monterey County Rape Crisis Center	Monterey	373-3955
	Salinas	771-0411
MCRCC Crisis Lines	Monterey	375-4357
	Salinas	424-4357

S.A.R.T.: Call County Communications for S.A.R.T. nurse (acute cases only and when Bates-Eldredge medical provider is not available)

Sheree Goldman, S.A.R.T. Coordinator	
SART Hotline	648-7731

APPENDIX D

STRUCTURED DECISION MAKING (SDM) HOTLINE TOOL UTILIZED BY FAMILY AND CHILDREN'S SERVICES FOR ASSESSING REFERRALS

CALIFORNIA
SDM® HOTLINE TOOLS

Referral Name:_____

Referral #: _____-_____-_____

Date:_____ / _____ / _____ County: _____

STEP I. PRELIMINARY SCREENING

☐ Review of screening criteria is not required
- ☐ Evaluate out
  - ☐ No child under age 18
  - ☐ Duplicate referral that contains no new information
  - ☐ Referred to another county
  - ☐ Allegations of harm in a group home, residential treatment facility, or other institution
- ☐ Safely surrendered baby

If any of the above are marked, the screening decision has been made and the assessment is completed. No further SDM assessments are required.

STEP II. APPROPRIATENESS OF A CHILD ABUSE/NEGLECT REPORT FOR RESPONSE

A. Screening Criteria (Check reporter's concerns and mark all that apply)

Physical Abuse (If not automatic 24-hour, go to physical abuse tree)
- ☐ Non-accidental or suspicious injury
  - ☐ Death of a child due to abuse AND there is another child in the home (automatic 24-hour)
  - ☐ Severe (automatic 24-hour)
  - ☐ Other injury (other than very minor unless child is under 1 year old)
- ☐ Caregiver action that likely caused or will cause injury (other than very minor or child is under 1 year old)
- ☐ Prior death of a child due to abuse AND there is a new child, of any age, in the home

Emotional Abuse (go to emotional abuse tree)
- ☐ Caregiver actions have led or are likely to lead to child's severe anxiety, depression, withdrawal, or aggressive behavior toward self or others
- ☐ Exposure to domestic violence

Neglect
- ☐ Severe neglect (If not automatic 24-hour, go to neglect tree)
  - ☐ Diagnosed malnutrition (automatic 24-hour)
  - ☐ Non-organic failure to thrive
  - ☐ Child's health/safety is endangered
  - ☐ Death of a child due to neglect AND there is another child in the home (automatic 24-hour)
- ☐ General neglect (go to neglect tree)
  - ☐ Inadequate food
  - ☐ Inadequate clothing/hygiene
  - ☐ Inadequate/hazardous shelter
  - ☐ Inadequate supervision
  - ☐ Inadequate medical/mental health care
  - ☐ Caregiver absence/abandonment
  - ☐ Involving child in criminal activity
  - ☐ Failure to protect
    - ☐ Family sexual exploitation
    - ☐ Commercial sexual exploitation
      - ☐ Child has been commercially sexually exploited and/or sex trafficked while in placement (notify worker for immediate response and notify licensing)
      - ☐ Child has been commercially sexually exploited and/or sex trafficked (not in placement) → provide immediate placement support)

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APPENDIX E

TRI-COUNTY CSEC MOU/PROTOCOL

MEMORANDUM OF UNDERSTANDING: COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (CSEC) PROGRAM

Amongst:

MONTEREY COUNTY:

Child Welfare
Probation
Public Health
Behavioral Health
Juvenile Court

SANTA CRUZ COUNTY:

Child Welfare
Probation
Public Health
Behavioral Health
Juvenile Court

SAN BENITO COUNTY:

Child Welfare
Probation
Public Health
Behavioral Health
Juvenile Court

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