

Simi Valley Police Department

POLICY MANUAL

PREFACE TITLE

I am proud to present the Simi Valley Police Department's Lexipol Policy Manual. In choosing Lexipol, my goal is to provide our hard working and dedicated employees with the most innovative and user-friendly system with which to manage our Department's Policies. The challenges facing today's law enforcement organizations and their personnel are complex and the foundation to meet these challenges starts and ends with sound policies. But the rapidly changing legal landscape coupled with evolving technologies and tactics means that today's law enforcement agencies must work harder than ever to stay relevant. Thus, an effective and well managed policy manual is critical to the job you do each and every day. Outdated and poorly revised policies can have negative consequences for our personnel as individuals and the organization as a whole. I believe Lexipol will help the Simi Valley Police Department negotiate this rapidly changing environment and give our staff the best tools possible to meet the challenges of today and also those that lie ahead for tomorrow. With Lexipol, our Policy Manual represents a living document that is constantly revised and updated. Rather than a static three-ring binder that sits on a shelf, Lexipol is a collaborative effort where everyone in the organization has an opportunity to offer their valued insights on agency content. Please take the opportunity to familiarize yourself with our new policy manual and feel free to make proactive suggestions that will help us make them even better. Thank you all for your dedication to the Department. I know the citizens of our community appreciate and value the contribution that each and every one you makes on behalf of their safety.

Charles "Steve" Shorts, *Chief of Police*

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MISSION STATEMENT

The proud members of the Simi Valley Police Department are committed to achieving excellence in public safety by providing superior police services that promote a safe community and encourage community partnerships.

The new Simi Valley Police Department emblem represents the pledge that all of our personnel

make to the citizens we serve. Our pledge is based on our core values that represent what we

stand for, what we strive for, and how we will get the job done. These values reinforce one another

and ensure that we are working together to serve our citizens.

• We Exist to Serve.

We dedicate ourselves to the service we provide to the citizens of Simi Valley.

• We Are Proactive.

We actively perform our duties to prevent crime, solve crime, and maintain peace in our community.

• We Are Committed To Safety.

We perform our duties with the safety of our citizens and ourselves at the forefront.

• We Value Our Community Partners.

We recognize that our success is based on the community helping to make Simi Valley safe.

• We Believe That Everyone Deserves Respect.

We recognize that all people are worthy of equality and dignity.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 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.).

100.2.1 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).

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SIMI VALLEY POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Simi Valley 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.

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.

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100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SIMI VALLEY POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Simi Valley 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.

100.2.4 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.

100.2.5 OREGON AUTHORITY

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

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

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or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Simi Valley 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.

100.3 POLICY

It is the policy of the Simi Valley 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.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

101.1.2 SHERIFF CANDIDATE REQUIREMENTS

Prior to filing for the office of Sheriff, any candidate shall at minimum meet the requirements of Government Code § 24004.3.

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

102.4 MAINTENANCE OF RECORDS

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

Policy Manual

103.1 PURPOSE AND SCOPE

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP- The California Highway Patrol.

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CFR - Code of Federal Regulations.

City - The City of Simi Valley.

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

Department/SVPD - The Simi Valley 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 Simi Valley Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

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

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public. [See attachment: PD City Org Chart 03-06-2023.pdf](#)

200.2 DIVISIONS

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

- Critical Support and Logistics Division
- Operations Division
- Investigation Services Division

200.2.1 CRITICAL SUPPORT AND LOGISTICS DIVISION

The Critical Support and Logistics Division is commanded by a Deputy Director whose primary responsibility is to provide general management direction and control for the Critical Support and Logistics Division. The Critical Support and Logistics Division consists of the Communications Center, the Fiscal Services Unit, the Records Bureau, and the Maintenance Unit.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by an Assistant Chief whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of the Patrol Bureau, Patrol Support Bureau, and Traffic Bureau.

200.2.3 INVESTIGATION DIVISION

The Investigation Services Division is commanded by an Assistant Chief whose primary responsibility is to provide general management direction and control for the Investigative Services Division. The Investigation Services Division consists of the Detective Bureau, the Professional Standards Bureau, and the Special Weapons and Tactics and Crisis Negotiations Teams (SWAT/CNT).

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate an Assistant Chief to serve as the acting Chief.

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

- (a) Operations Division Assistant Chief
- (b) Investigation Division Assistant Chief

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- (c) Executive Officer, Commander
- (d) Watch Commander

200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

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

Emergency Management Plan

201.1 PURPOSE AND SCOPE

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

201.2 ACTIVATING THE EMERGENCY PLAN

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

201.2.1 RECALL OF PERSONNEL

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

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

201.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Administration and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Administration supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

201.4 UPDATING OF MANUALS

The Emergency Services Manager 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.

Training

202.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

202.2 PHILOSOPHY

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

The Department will make every effort to reduce the use of overtime associated with attendance at training.

202.3 OBJECTIVES

The objectives of the Training Program are to:

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

202.4 TRAINING PLAN

It is the responsibility of the Training Coordinator to maintain, review, and update the training plan on an annual basis.

The following perishable skills and POST mandated training are considered mandatory training to comply with POST guidelines:

Perishable Skills (required by POST)

FOS-LEDs

Defensive Tactics (arrest and control)

Tactical Communication

POST Mandated Training

Basic Post Certificate within 18 months of employment

24 hours of Post certified continuing education during every two year cycle

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First Aid/CPR

FTO school and required updates

Supervisory School

Management School

The following Field Training, Critical Skills Training, Job Specific/Foundational Training, and Remedial Training are considered mandatory training to comply with SVPD guidelines.

Field Training

For newly hired Sworn personnel - training shall be documented in the Daily Observation Reports.

Critical Skills Training

Firearms Training (pistol and shotgun)

Job Specific / Foundational Training as Required by SVPD

Chief of Police

Executive Development Course

Deputy Police Chief

Executive Development Course

Personnel Management Course

Strategic Planning Course

Incident Command System

Commander

Incident Command System

Strategic Planning

Personnel Management

Police Sergeant

Sergeant School

Internal Affairs Course

Officer Involved Shooting Investigation

Incident Command System

Management Specialty Courses Include:

PIO Course

Criminal Investigation Management

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Field Training Management Course

SWAT/CNT Commander Course

K9 Management Course

Command College (optional)

Property/Evidence Management Course

Supervisory and Manager Specialty Courses Include:

Gang Courses

Surveillance Course

SWAT/CNT Supervisor Course

Field Training Supervisor Course

Vice, Intelligence, Narcotics, K9

Advanced Traffic Investigation

PIO Course

Advanced Collision Investigation

Homicide Investigations

Supervisory Leadership Institute (SLI) - Sergeant may defer

Senior Police Officer

Criminal Investigation

Legal update - Annual

Police Officer - as applicable to primary or ancillary assignment

Intermediate Traffic Accident Investigation

Motorcycle Training

K9 Handler Training

Gangs and Subculture Course

Basic Criminal Investigation

Interview and Interrogation Course

Narcotics Investigations

Vice Investigation

Criminal Intelligence Course

Rangemaster - Firearms Instructor

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SWAT/CNT School

Background Investigation Course

CBRN (Chemical, Biological, Radioactive, Nuclear) Training (optional)

Basic Patrol Rifle Course (optional)

CIT

Sage (optional)

Pursuit Intervention Technique (PIT) (optional)

Standardized Field Sobriety Tests (SFST) (optional)

Drug Abuse Recognition (DAR) (optional)

Legal Updates for officers should generally be handled through Roll Call Training

Defensive Tactics Instructors

Weaponless Defense Instructor Course and Updates

Impact Weapons Instructor Course and Updates

Sage Instructor Course

Taser Instructor Course and Updates

Court Officer

Legal Update - annual

Crime Scene Investigator

Crime Scene Investigation

Field Evidence Technician Course

Deputy Director/Critical Support and Logistics

Management Course

Civilian Supervision Course

Records Manager

Versadex Conference - Annual

Freedom of Information Course

Management Course

Legal Update - Annual

CLETS Training

Communications Manager

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Training

Management Course

Versadex Conference - Annual

Crime Analyst

Versadex Conference - Annual

Crimeview Vendor Training

Crossroads Vendor Training

Legal Update - Annual

Crime Prevention Specialist

Basic Crime Prevention Course

Senior Dispatcher

CIT (Crisis Inetervention Training)

Civilian Supervisor Course

legal Update - annually

First Aid/CPR

Communications Training Officer Course

Dispatcher

POST Approved dispatcher academy

First Aid/CPR

CIT (Crisis Intervention Training)

Senior Management Analyst

Management Course

Civilian Supervision Course

Maintenance Supervisor

Fleet Management Course

Facilities Maintenance Course

Civilian Supervisor Course

Secretary

Adminstrative Training

Records Technician/Senior Records Technician

Records Training Course

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Training

CLETS Training

Freedom of Information Course

Property Room Technician

Property Room Management Course

The following In-Service Training and Career Development Training are considered optional by POST and SVPD guidelines

Remedial Training

The Department administers remedial training by which substandard performance can be identified and corrective training can be applied.

In-Service Training

Training Bulletins

Lexipol Daily Training Bulletins (DTB's)

Roll Call Training

CBRN (Chemical, Biological, Radioactive, Nuclear) Training

Basic Patrol Rifle Course

Career Development Training

As part of the Department's Training Program, the Department may utilize training for career development in order to accomplish:

Training for anticipated future assignments

Training for projected promotions

Training for professional growth and development of individual personnel.

202.5 TRAINING NEEDS ASSESSMENT

The Department will conduct an annual training-needs assessment of the entire Department, generally performed during the annual budget preparation.

202.6 TRAINING COMMITTEE

The Professional Standards Bureau Commander shall ensure that quarterly training meetings are held with the Command Staff to ensure the needs of the Department are being met.

202.7 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

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2. Pre-approved Annual Leave
 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 soon as the conflict is known.
 2. Make arrangements through his/her supervisor and the Training Coordinator to attend the required training on an alternate date.

202.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Simi Valley 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 Patrol Bureau Sergeant responsible for the DTBs

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Department's Information Systems Analyst. 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.

The DTB's will be used to supplement Roll Call Training (RCT) topics. The DTB's to be used will be selected by the Field Services Division Sergeant assigned to develop the RCT for the month.

Personnel can access the DTB's and read them in addition to what is presented in RCT.

202.9 POLICY

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

202.10 TRAINING COORDINATOR

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

202.10.1 TRAINING RESTRICTION

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

Electronic Mail and Voicemail

203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) and voicemail systems by employees of this department. These communication tools are made 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 these systems 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.

203.2 RIGHT OF PRIVACY

All 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 or voicemail system or that is stored on any department system.

These are not confidential systems since all communications transmitted on, to or from these systems are the property of the Department. Therefore, the email or voicemail systems are not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead.. Employees using the Department's email or voicemail systems 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.

203.3 PROHIBITED USE OF EMAIL/VOICEMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email or voicemail systems 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 a Bureau Manager. Personal advertisements are not acceptable.

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

203.4 PROCEDURE

Members should check their email and voicemail at least once during each scheduled workday and make a reasonable effort (absent unusual circumstances) to reply, if necessary, within 24 hours of receipt during their workday or during the first shift upon returning to work.

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203.5 RECORD MANAGEMENT

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

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

Administrative Communications

204.1 PURPOSE AND SCOPE

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

204.2 PERSONNEL ORDERS

Department wide memos may be issued periodically by The Chief of Police or his/her designee to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

204.3 CORRESPONDENCE

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

204.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or his/her designee.

Staffing Levels

205.1 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.

205.2 MINIMUM STAFFING LEVELS

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

205.2.1 SUPERVISION DEPLOYMENTS

With prior authorization from a Sworn Supervisor or higher rank, an Officer, Detective, or Senior Officer may act as the Watch Commander for a limited period of time during unusual occurrences or unforeseen circumstances.

License to Carry a Firearm

206.1 POLICY

All requests for CCW permits shall, by mutual agreement of all law enforcement agencies in Ventura County, be referred to the Ventura County Sheriff's Department for consideration.

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

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

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 industrial disability retirement.
- (b) In order to be issued a California Identification Card if an Officer does not qualify for service or industrial disability retirement, an Officer must have been employed as a full-time Peace Officer in the State of California pursuant to California Penal Code sections 830.1-830.5 for an aggregate of 20 years or more. Additionally, Officers who transferred to the Simi Valley Police Department from an out-of-state law enforcement agency or Federal Law Enforcement Agency may be granted aggregate service credit as long as they were authorized to, and did, carry a concealed firearm during the course and scope of his/her employment at their previous agency/agencies. The issuance of a California Identification Card based on this policy does not imply that the City of Simi Valley or CalPERS is legally obligated to provide any post separation benefits to the former Officer.
- (c) No CCW approved endorsement shall be issued to any Officer retiring because of a psychological disability.

207.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name and address of this department.

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- (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."

207.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Simi Valley 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.

207.4.3 QUALIFIED RETIRED RESERVES

Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

207.5 FORMER OFFICER RESPONSIBILITIES

A former officer with an identification card issued under this policy shall immediately notify the on-duty Watch Commander or Watch Supervisor 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):

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- (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 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.

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

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

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

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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.

207.8 FIREARM QUALIFICATIONS

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

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 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 immediately report these observations to a supervisor (Government Code § 7286(b)).

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

300.2.4 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

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

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

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

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

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

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

300.3.1 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.

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- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an 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 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

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300.3.5 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 Simi Valley Police Department for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

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

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.8 ADDITIONAL RESTRICTIONS

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

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should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

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

Additionally, an officer should not use deadly force against a person whose actions are a threat solely to property.

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 involve considerations and risks in addition to the justification for the use of deadly force. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means

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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 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 significant 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 requires the completion of a Use of Force Details page in MRE to be completed by the investigating supervisor as specified in department policy.

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.

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

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.5.3 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

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See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (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.
- (i) Complete the Use of Force Details page in MRE.
- (j) The appropriate Deputy Chief should be notified by the Commander/Supervisor handling a Use of Force investigation where they believe a policy violation or crime may have occurred.

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.

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A supervisor should consider the appropriateness of advising an in custody suspect of their Miranda rights prior to interviewing them as part of the use of force investigation. For serious crimes involving follow up interviews, consultation with the handling detective should be considered.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The involved officer's Watch Commander should review each Use of Force Details page involving any personnel within his/her command , to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

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

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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

300.8.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

300.9 USE OF FORCE ANALYSIS

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

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

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300.10 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)).

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

The Chief of Police or his/her designee shall assign members of the Department to participate on the Use of Force Review Board.

301.4.1 RESPONSIBILITIES OF THE BOARD

The review board shall convene every 90 days and review the Use of Force incidents for the affected period. Training deficiencies should be identified and corrected within the ongoing training program.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

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

302.3.3 RESTRAINT OF JUVENILES

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

302.3.4 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

302.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

The only authorized hobble device is the Ripp Hobble.

302.7 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.

The total appendage control or TAC Restraint is the application of the Ripp Hobble to secure the legs of a suspect to the handcuffs.

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).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If the Ripp Hobble is attached in such a manner as to be a TAC Restraint, the suspect's legs should not be brought past 90 degrees when attached to the handcuffs.

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- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (g) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

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

The use of leg restraints (TAC Restraint) is considered a Use of Significant Force and the requirements under Policy # 300 apply.

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

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302.9 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

303.4 RESPONSIBILITIES

303.4.1 AUTHORIZATION TO DEPLOY

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

303.4.2 DEFENSIVE TACTICS MANAGER RESPONSIBILITIES

The Defensive Tactics Manager or his/her designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Defensive Tactics Manager or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

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

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

303.5 BATON GUIDELINES

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

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor. Prior to carrying any baton a member shall have received training in the use of that particular type of baton.

Authorized batons include :

Wood staright baton 26 inches long and 1 1/4 inches thick

ASP - Armament Systems and Procedures, Inc Model F16B, F21B, and F26B

PR 24 - metal or plastic

In addition to the above listed batons, members may carry any baton that has been inspected and authorized by the Defensive Tactics Unit. Alternate batons shall be approved prior to deployment and the Alternate Impact Weapons Authorization form shall be signed by a Defensive Tactics Supervisor. A copy of the completed form shall be maintained by the Defensive Tactics Unit and the original placed in the members Personnel file. [See attachment: Alternate Impact Weapon Authorization Form.pdf](#)

303.6 TEAR GAS GUIDELINES

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

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

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303.7.1 OC SPRAY

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

303.7.2

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 (SAGE) KINETIC ENERGY PROJECTILE GUIDELINES

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

303.9.1 DEPLOYMENT AND USE

Only SAGE 37mm munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

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303.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles are not authorized by SVPD.

303.10 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

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- (d) All sworn members below the rank of Commander will be trained and certified to deploy the SAGE as soon as practical after hire. All sworn members who have been certified to deploy the SAGE shall demonstrate proficiency with the device once each range period as detailed in Policy 306, Firearms.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING CEDS

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

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

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

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

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

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

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

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

304.3.1 USER RESPONSIBILITIES

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

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

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304.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

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

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

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

304.5 USE OF THE CED

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

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

304.5.1 APPLICATION OF THE CED

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

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

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

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

304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

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

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

304.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Coordinator should also conduct audits

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of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

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

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

304.7 MEDICAL TREATMENT

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

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

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

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

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

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304.8 SUPERVISOR RESPONSIBILITIES

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

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

304.9 TRAINING

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

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

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

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

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

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

The Training Coordinator should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.

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- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 TYPES OF INVESTIGATIONS

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

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

305.4 CONTROL OF INVESTIGATIONS

Investigators from allied 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 Simi Valley Police Department.

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

305.5.2 WATCH COMMANDER RESPONSIBILITIES

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

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

305.5.3 NOTIFICATIONS

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

- Chief of Police
- Detective Bureau Assistant Chief
- Officer Involved Shooting Protocol rollout team
- Outside agency investigator (if appropriate)

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- Professional Standards Bureau supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Press Information Officer

305.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SVPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any SVPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional SVPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved SVPD officer should be given an administrative order not to discuss the incident with other involved officers or SVPD 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.

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305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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

Each involved SVPD 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.

305.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Investigations Division Supervisors should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

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

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305.6 CRIMINAL INVESTIGATION

See attachment: [MOA Procedural Guidelines on OIS UOF and In Custody Deaths March 2020.pdf](#)

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

305.6.1 REPORTS BY INVOLVED SVPD OFFICERS

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

305.6.3 INVESTIGATIVE PERSONNEL

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

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Bureau supervisor for approval. Privileged reports shall be maintained

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exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Assistant Chief.

305.7 ADMINISTRATIVE INVESTIGATION

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

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

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

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

305.8 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.

305.9 CIVIL LIABILITY RESPONSE

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

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

305.10 DEBRIEFING

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

305.10.1 TACTICAL DEBRIEFING

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

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305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigative Services Division Assistant Chief and Press Information Officer in the event of inquiries from the media.

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

305.12 REPORTING

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

Firearms

306.1 PURPOSE AND SCOPE

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

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

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

The term "Rangemaster" in this policy refers to the Commander or his designee assigned to the Range Program. The Rangemaster shall have several Firearms Instructors assigned to the Range Program.

306.2 POLICY

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

It is the policy of the Department that the following Firearms Safety Rules be followed at all times:

1. Treat all guns as if they are ALWAYS loaded.
2. Never allow the muzzle of a firearm to cover anything you are not willing to shoot or destroy.
3. Keep your finger off the trigger until your sights are aligned on the target and you intend or decide to shoot.
4. Be sure of your target and what is beyond it.

306.3 AUTHORIZED FIREARMS AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster or his/her designee. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with the weapon they are certified on, with the exception of a "pool" weapon such as a rifle or shotgun obtained from the armory. "Pool" weapons are considered a "system" and as such any officer who has been properly trained and qualified pursuant to this policy may utilize any "pool" weapon from the armory.

The Department requires all personally owned off-duty, alternate duty, backup weapons and patrol rifles be registered with the Department by description and serial number. This is the responsibility of the individual officer and must be done as soon as the officer qualifies with a Rangemaster or firearms instructor. Firearms registration forms will be available at the range. After final approval by the Deputy Chief, the completed form will be filed in the officer's personnel file.

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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 Assistant Chief. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized department-issued handgun is the Sig Sauer P320. The Department also issues the Sig Sauer P365X 9mm handgun to Special Investigations Unit personnel and Task Force Officers. The Sig Sauer P365X may be issued to members assigned to other specialized assignments at the discretion of the Chief of Police.

306.3.2 SHOTGUNS

The authorized department provided shotgun is the Remington 870 12 gauge.

Motor Officers are authorized to carry a folding stock Remington 870 pump shotgun with a 14 inch barrel and a Marine Magnum finish, which shall be loaded with four department issued slugshot rounds and are authorized to use department issued buckshot rounds.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle or on a motorcycle with the magazine loaded, the action closed on an empty chamber, and the safety in the safe position.

Patrol officers shall load the magazine with five department issued buckshot rounds with department issued slugshot rounds carried on a side saddle, commonly referred to as "Patrol Ready".

306.3.3 PATROL RIFLES

The authorized department issued patrol rifle is the Smith & Wesson M&P 15 (M4 style) Patrol Rifle. Officers are authorized to carry an approved personal patrol rifle within the same M4 style series that has been properly registered with the department and inspected / approved by range staff.

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

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

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- (e) When a member 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 in a locking weapons rack or in a case secured in the patrol vehicle or locking motorcycle rack with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position.

306.3.4 PERSONALLY OWNED DUTY FIREARMS (ALTERNATE DUTY FIREARMS)

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. [See attachment: Weapons Authorization Form.pdf](#) Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order of quality construction and approved pursuant to section 306.3 of this policy.
- (b) The firearm shall be inspected by the Rangemaster or his/her designee prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) The firearm must be a semi-auto handgun, chambered in 9mm,.40 or .45 caliber, have a barrel between 4 and 6 inches, and be finished in stainless steel, black, or blue steel. Chrome or bright nickel finishes are not authorized. Non uniformed members may carry a semi-auto handgun with a barrel less than 4 inches.
- (e) The handgun must be equipped with a firing pin blocking mechanism that prevents movement of the firing pin should the firearm be subject to an external force.
- (f) Striker fired, single action, and modified Browning designed semi-auto handguns are approved for alternate duty use.

306.3.5 AUTHORIZED SECONDARY HANDGUN

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

- (a) The handgun shall be in good working order and on the department list of approved firearms (Section 306.3.4).
- (b) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the department.
- (c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

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- (d) The handgun shall be inspected by the Rangemaster or his/her designee prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (g) Calibers are limited to .22, .25, .32, .380, .38, .357, 9mm, .40 and 45.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster or his/her designee for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster or his/her designee that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (g) Members shall only carry department-authorized ammunition.
- (h) When armed, officers shall carry their Simi Valley Police Department identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only department authorized ammunition. Duty and qualification rounds for department issued weapons are supplied by the department. It is the responsibility of the individual officer to ensure duty ammunition is renewed every year. Replacements for unserviceable or

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depleted ammunition issued by the Department shall be dispensed by the Rangemaster or his/her designee when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

The following ammunition is issued by the Department for all on-duty use and may be used off duty:

Handgun

- (a) 9mm - Winchester Ranger SXT 127 grain, stock # RA9TA
- (b) .40 caliber - Winchester Ranger SXT 165 grain, stock # RA40TA
- (c) .45 caliber - Winchester Ranger SXT 230 grain, stock # RA45TP
- (d) .38 caliber - Remington 125 grain, semi-jacketed hollow point (+P)
- (e) .357 magnum - Federal Gold Dot 135 grain, semi-jacketed hollow point

Shotgun

- (a) Buckshot - Federal Flight Control 12 gauge, 2 3/4 inch, 9 pellets per round, stock # PFC 154
- (b) Slugshot - Remington 12 gauge, 2 3/4 inch, stock # SP12RS or low recoil stock # SP12LRS

Patrol Rifle

- (a) .223 caliber 55 grain BTHP manufactured by Winchester, Federal, or Remington

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster or any Firearms Instructor. Any defective firearm shall immediately be taken out of service until repaired.

Only department trained personnel, approved by the Rangemaster or his/her designee may modify the internal workings of any handgun. The Department has authorized the APEX "DCEK" (Duty Carry Enforcement Kit and related components) for all Smith and Wesson M&P handguns. The member shall supply the parts for installation by a qualified department armorer. Modifications to a Glock, personally owned handgun, may be completed by a department approved Glock armorer, utilizing "Zev-Tech" trigger mechanism parts.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster or his/her designee.

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No firearm shall have a trigger weight less than 4.5 pounds. All OEM parts from a department owned firearm shall be retained by the department. No other internal modifications may be made to any firearm carried by department members.

Optional grips or other exterior modifications supplied by the handgun manufacturer or an aftermarket supplier may be installed on a department owned handgun. These modifications must be inspected and written approval must be obtained from a department Rangemaster or his/ designee prior to deployment. [See attachment: PD 209 Weapons Modification Form.pdf](#). The modifications must allow the firearm to function as intended and not interfere with the operation or reloading of the handgun.

306.4.2 HOLSTERS

All holsters carried on duty, not issued by the Department, shall be approved by the Rangemaster or his/her designee. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. All uniformed duty holsters shall meet the following standards.

- (a) Have a covered trigger guard.
- (b) Be designed specifically for that handgun.
- (c) Have a retention device built into the holster, which during vigorous activity retains the firearm while in the holster.
- (d) Can be safely and quickly re-holstered with one hand.
- (e) Match any uniform appearance standards contained in any other policy.
- (f) Prior to carrying any alternate or modified duty holster, the member shall demonstrate proficiency, successfully qualify with the holster, and complete form PD-17.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. 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.

306.4.4 PISTOL MOUNTED OPTICS (PMO) / PISTOL MOUNTED RED DOT SIGHT (RDS)

Pistol mounted optics, commonly referred to as red dot sights RDS, are permitted on handguns when the following criterion have been met:

- (a) A Manufactured handgun with slide cutout mount ready to accept an RDS (e.g. Glock 17 MOS, S&W M&P C.O.R.E., Sig Sauer 320RX) is preferred.
- (a) Aftermarket milled slides are accepted, but must be from a reputable armorer company that is approved by the Rangemaster or his/her designee.
- (b) Officers are required to submit proof of work to the Rangemaster for approval and proof shall be placed in their department personnel file.

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- (c) Department issued handguns are not permitted to be milled. (except when the milling has been completed by the gun manufacturer prior to being purchased by the Department)
- (a) The RDS shall be an LED adjustable style sight from a reputable manufacturer (E.g. Trijicon RMR, Leupold Delta Point Pro, Sig Sauer Romeo1, or Vortex Venom).
- (b) RDS equipped handguns shall have co-witnessing iron sights installed as a backup to the RDS.
- (c) Officers shall use a holster that complies with SVPD policy 306.4.2.
- (d) Officers shall successfully complete the department's 8-hour RDS training course, or an equivalent pre-approved training course, and qualify with their weapon using the RDS and co-witnessing sights per SVPD policy 306.10.
 - 1. An equivalent training course will be at the discretion of the Rangemaster.
 - 2. Proof of training shall be maintained in the officer's personnel file.
- f. Any modifications to any handgun for the purpose of utilizing an RDS, whether department or individually owned, shall be inspected and approved by the Rangemaster or his/her designee
- g. All costs associated with utilizing and maintaining a RDS will be at the sole expense of the individual officer

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster or Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, load or unload a firearm anywhere in the Department, except where clearing barrels are present or during field operations, with the weapon pointed in a safe direction.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking garage and outside of the vehicle, pointed in a safe direction or 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.

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- (f) Any department issued firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Rangemaster or his/her designee approved for inspection and repair. Any department issued firearm deemed in need of repair or service by the Rangemaster or his/her designee 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.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and immediately upon access by another person to determine if it is loaded. 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.

Firearms may be safely stored in lockers or another approved location at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Department shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 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).

306.5.3 STORAGE IN VEHICLES

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

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

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

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306.5.4 ALCOHOL AND DRUGS

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

306.6 FIREARM DISCHARGE

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

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

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

306.6.1 DESTRUCTION OF ANIMALS

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

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

306.6.2 INJURED ANIMALS

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

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

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306.6.3 WARNING AND OTHER SHOTS

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

Warning shots should not be used.

306.7 RANGEMASTER DUTIES

The Range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster, his/her designee, or the Firearms Instructor. The Firearms Instructors will maintain a roster of all members attending the Range (Range Log) and will submit the roster to the Professional Standards Sergeant after each Range date. Failure of any member to complete and sign the Range Log may result in non-qualification.

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

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

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

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

306.8 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Simi Valley Police Department identification card, bearing the officer's name, a full-face photograph, identification number, and the signature of the

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

306.9 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 Simi Valley Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action which could result in the suspension or loss of police powers.
- (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).

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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.

306.10 FIREARMS QUALIFICATION STANDARDS

The following qualification standards apply for all sworn personnel:

A Range Period is defined as: January 1 through June 30 and July 1 through December 31

- (a) A member who elects to carry an alternate duty handgun or the Department-issued handgun while on duty shall successfully qualify three times during each range period.
 - 1. Each qualification must occur in separate months and no more than two months may elapse between qualifications.
- (b) Each member shall successfully qualify with their department-issued duty handgun once during each range period IF the member has elected to carry an alternate duty handgun.
- (c) Each member shall demonstrate an acceptable level of good judgment and decision-making skill by participating in a discretionary shooting scenario assessment once in each six-month period.
- (d) Each member shall successfully qualify with the Department shotgun twice during each range period.
 - 1. Each qualification must occur in separate months.
- (e) Each member who successfully completed the Department's Patrol Rifle Course shall qualify with the patrol rifle once during each range period.
 - 1. Members with the rank of Commander or above may opt-out of rifle qualification and discontinue deploying the rifle.
- (f) Each member who successfully completed the Department's Sage training shall qualify with such weapon once during each range period.
 - 1. Members with the rank of Commander or above may opt-out of sage qualification and discontinue deploying the sage.
- (g) Each member who elects to carry a backup handgun while on duty or carry an off-duty handgun not carried on duty must qualify with the handgun once during each range period.
- (h) Members on light duty status, or off due to a medical leave (industrial or non-industrial injury), or on administrative leave may not attend range training or qualify with any firearm (including sage) until they are authorized to return to full duty. Any member who does not qualify due to light duty status, medical leave, or administrative leave will not be subject to discipline under 306.10.2. However, members on light duty, medical

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leave, or administrative leave that have not met the qualification standards listed in this section (306.10) may not carry a firearm until their return to full duty and re-establish compliance with the Firearms Policy.

306.10.1 FAILURE TO QUALIFY

- (a) Sworn members will be allowed three attempts to satisfactorily complete a qualification course. If a member fails after one or two attempts and leaves the range without passing the proscribed course of fire by making a third attempt to pass, the member shall be deemed not qualified on that weapon or weapons system and the procedures outlined below shall be followed.
- (b) Any sworn member who does not qualify with their duty weapon during any range firing day, when attempting to do so, shall be relieved of duties requiring the use of a firearm until such time as the member has successfully qualified. On-duty range staff shall notify the Rangemaster, his/her designee, or the Watch Commander/Supervisor as soon as practical.
- (c) Sworn members who fail to qualify with their assigned or required weapons (i.e. duty handgun, alternate duty handgun, departmental shotgun, rifle, or less-lethal weapon) the required number of times during the six-month qualification period may be subject to disciplinary action. The term "qualify" means demonstrating competent marksmanship skill in conjunction with proper firearms safety practices and firearms manipulation skills.
- (d) Any sworn member who does not qualify with an off-duty or second concealed, or "back up" handgun, shall not carry the off-duty or "back up" handgun until such time as the member has successfully qualified with that weapon.
- (e) Personnel who fail to comply with the Firearms Policy may be directed by a supervisor to qualify at the range to re-establish compliance with the Firearms Policy.

306.10.2 REMEDIAL TRAINING AND DISCIPLINE

- (a) Sworn members who have failed to qualify pursuant to Section 306.10.1 may be required to attend remedial training. If remedial training is required the affected member shall receive up to four hours of training with a department firearms instructor. Upon completion of remedial training, the member will attempt to pass the qualification course. The firearms instructor shall document the training provided and the results maintained in the member's training file.
- (b) Members who fail to qualify after completion of the remedial training will be provided additional remedial training as determined by the Chief of Police. Upon completion of the second block of remedial training the member will again attempt to pass the qualification course. The Firearms Instructor shall document the member's qualification or failure to qualify and shall forward the results to the Chief of Police for appropriate action.
- (c) Repeated failure to qualify, either by the unexcused absence or with appropriate skill demonstrated at the Range may result in progressive disciplinary action up to and including termination of employment if the training has been provided and the member fails to meet qualification standards.

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306.11 RANGE STATUS NOTIFICATION

The Department shall provide timely information regarding range status and availability to all department members.

- It shall be the responsibility of the individual member to check their department email prior to leaving for the range to confirm that the range is in fact open for use.
- If the Range must close due to weather or any other unforeseen incident the Senior Firearms Instructor responsible for the Range that day will send a department-wide email notifying members of the cancellation.
- The Senior Firearms Instructor shall also call the on-duty Watch Commander and notify him/her of the cancellation.
- In the event the cancellation email was not sent, the inquiring member shall contact the Watch Commander/Supervisor for clarification of the range status.

306.12 WEAPONS TRACKING AND AUDITS

The purchase, sale, transfer, issuance, or destruction of any department owned weapons shall be reported in writing immediately, or as soon as practical, to the Professional Standards Bureau. The location and status of all department owned weapons will be updated and tracked in the Versadex Records Management System (RMS).

A yearly audit of all department issued weapons will be conducted by the Chief of Police or designee, with the results updated in the department's RMS.

Vehicle Pursuits

307.1 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.

307.2 PURPOSE AND SCOPE

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

307.2.1 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. **This is not a pursuit intervention tactic approved for use by this department.**

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

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

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

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the suspect's vehicle. **This is not a pursuit intervention tactic approved for use by this department.**

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

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high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

307.3 OFFICER RESPONSIBILITIES

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

307.3.1 WHEN TO INITIATE A PURSUIT

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

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

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

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307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

307.3.3 SPEED LIMITS

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

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

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

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307.4 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.

307.4.1 MOTORCYCLE OFFICERS

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

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

307.4.3 UNMARKED UNITS AND PICKUP TRUCKS

Unmarked vehicles and pickup trucks should generally avoid initiating or joining in any pursuit. However, if a pursuit is initiated officers should terminate their involvement immediately upon arrival of sufficient emergency police vehicles or any helicopter.

307.4.4 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.

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- (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.

307.4.5 SECONDARY UNIT RESPONSIBILITIES

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

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

307.4.6 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.

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- (d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

307.4.7 PURSUIT TRAILING

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

307.4.8 AIR SUPPORT ASSISTANCE

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

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

307.4.9 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.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

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

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- (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.
- (j) Controlling and managing Simi Valley Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

307.5.1 WATCH COMMANDER RESPONSIBILITIES

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

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

307.6 COMMUNICATIONS

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.

307.6.1 COMMUNICATIONS BUREAU RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.

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- (f) Notify the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.6.2 LOSS OF PURSUED VEHICLE

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

307.7 INTER-JURISDICTIONAL CONSIDERATIONS

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

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of Simi Valley 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.

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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.

307.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer should 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.

307.8.1 USE OF FIREARMS

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

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

307.8.2 INTERVENTION STANDARDS

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

- (a) Blocking should only be used after giving consideration to the following:
 - 1. The technique should only be used by officers who have received training in the technique.
 - 2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will contain or prevent the pursuit.
- (b) The PIT should only be used after giving consideration to the following:

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

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6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
1. Roadblocks should only be used by officers who have received training in their use.
 2. Supervisory approval should be obtained before using the technique.
 3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
 5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

307.8.3 CAPTURE OF SUSPECTS

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

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

307.9 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Records Bureau Manager shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.

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3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
- (d) The Deputy Chief or designee shall review the reports submitted to ensure all portions of this policy, as well as applicable laws, have been followed. This review will also focus on further need to improve or refine this policy and/or provide additional training to department members.

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

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.9.2 POLICY REVIEW

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

Officer Response to Calls

308.1 PURPOSE AND SCOPE

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

308.2 RESPONSE TO CALLS

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

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

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

308.3 REQUESTING EMERGENCY ASSISTANCE

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

If circumstances permit, the requesting officer should give the following information:

- Their call sign
- Their location
- The reason for the request and type of emergency
- The number of additional officers required

308.3.1 NUMBER OF UNITS ASSIGNED

Normally, no more than two officers should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional officer(s).

308.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. The Communications Center shall ensure that the officer's request for Code 3 assistance or response is re-broadcast to ensure that all on-duty personnel are aware of the situation.

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The Watch Commander or Field Supervisor are responsible for ensuring the appropriateness of the emergency response.

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.

308.6 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. The dispatcher shall:

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

308.7 SUPERVISORY RESPONSIBILITIES

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

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

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

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

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

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

308.8 FAILURE OF EMERGENCY EQUIPMENT

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

Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

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

309.3 CANINE UNIT MANAGER

The Canine Unit Manager shall be appointed by and directly responsible to the Field Services Division Deputy Chief.

The responsibilities of the Unit Manager and/or Supervisor include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining liaison with the vendor.
- (c) Maintaining liaison with command staff and functional supervisors.
- (d) Maintaining liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

309.4 REQUESTS FOR CANINE TEAMS

All members of the Department are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Field Services Division shall be reviewed by the Watch Commander.

309.4.1 OUTSIDE AGENCY REQUEST

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

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

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- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.4.2 PUBLIC DEMONSTRATIONS

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

309.5 APPREHENSION GUIDELINES

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

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

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

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

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

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

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

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309.5.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

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

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

309.5.2 WARNINGS AND ANNOUNCEMENTS

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

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

309.5.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a report and an MRE Use of Force report shall be completed by the on-scene Supervisor. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to

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an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related arrest report or supplemental report.

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

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

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

309.6 NON-APPREHENSION GUIDELINES

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

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.6.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

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309.6.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

309.6.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear. A distinction should be made by the handler between a suspected device and a suspicious/unattended package. At the discretion of the handler, a suspicious/unattended package with no outward signs of an explosive device may be rendered safe by the canine.

309.7 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation, with a minimum of three years of California law enforcement experience.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) A garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Simi Valley City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

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309.8 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain the canine vehicle and all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle may be required by the K-9 Unit Manager to be stored at the Simi Valley Police Department facility.
- (e) Handlers shall permit the K-9 Unit Manager or K-9 Supervisor to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Unit Manager or Canine Unit Manager as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the Canine Unit Manager or Canine Unit Supervisor or Watch Commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the K-9 Unit Manager, K-9 Supervisor, or Watch Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the K-9 Unit Manager or K-9 Supervisor so that appropriate arrangements can be made.

309.8.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.

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- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.9 HANDLER COMPENSATION

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

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

309.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

309.11 TRAINING

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

The Canine Supervisor shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the K9 Supervisor should also schedule periodic training for the canine handlers about the risk of exposure and treatment.

All canine training should be conducted while on-duty unless otherwise approved by the K-9 Unit Manager, K-9 Supervisor, or Watch Commander.

309.11.1 CONTINUED TRAINING

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

- (a) Canine teams should receive training as defined in the current contract with the Simi Valley Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the K-9 Supervisor.

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- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this Department.

309.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.11.3 TRAINING RECORDS

All canine training and activity records shall be entered by the canine handler and maintained by the Canine Supervisor.

309.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Simi Valley Police Department may work with outside trainers with the applicable licenses or permits.

309.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Simi Valley Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested by Department Property Room personnel prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.

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- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested bi-annually (February and August). The results of the testing shall be recorded and maintained by the K-9 Unit Manager with a copy forwarded to Department Administration.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The K-9 Unit Supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Unit or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

309.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The K-9 Supervisor shall be responsible to verify the explosive training aids on hand against the inventory ledger on February and August each year.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the K-9 Supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Domestic Violence

310.1 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.

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

310.2 POLICY

The Simi Valley 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.

It is the policy of the Simi Valley Police Department to follow the most recent version of the Ventura County Domestic Violence Investigation Protocol ([See attachment: DV Protocol Executed Final Updated 092117.pdf](#)). This protocol has been approved by all law enforcement agencies in Ventura County.

310.3 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.

310.4 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.

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- (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 Detective Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 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.

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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.

310.4.1 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.

310.4.2 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.

310.5 VICTIM ASSISTANCE

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

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

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- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

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

310.6 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.

310.7 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).

310.8 VERIFICATION OF COURT ORDERS

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

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

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- (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.

310.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

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2. The threats creating fear of physical injury.
 3. The history of domestic violence between the persons involved.
 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

310.10 REPORTS AND RECORDS

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

310.11 RECORD-KEEPING AND DATA COLLECTION

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

310.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person

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by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).

- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
 - 1. An officer should ensure that the Records Bureau is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Bureau Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

310.13 PUBLIC ACCESS TO POLICY

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

310.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

310.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

Search and Seizure

311.1 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 Simi Valley Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Simi Valley 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.

311.3 SEARCHES

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

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

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

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

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

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

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311.4 SEARCH PROTOCOL

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

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

311.5 DOCUMENTATION

Officers are responsible to document any search which results in an arrest 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.

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Simi Valley Police Department (34 USC § 11133).

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

312.2 POLICY

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Simi Valley Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the Simi Valley Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

312.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

312.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

312.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Simi Valley 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 Simi Valley Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Simi Valley Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Simi Valley Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

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312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Simi Valley Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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312.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

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

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

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312.7 NO-CONTACT REQUIREMENTS

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

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Simi Valley Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Simi Valley Police Department shall ensure the following:

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Simi Valley Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Simi Valley Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

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

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

312.9 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 Simi Valley Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

312.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Simi Valley 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 Simi Valley Police Department.

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312.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

312.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Simi Valley Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

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

312.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

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

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

312.13.1 MANDATORY RECORDINGS OF JUVENILES

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

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (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).

312.14 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

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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 Simi Valley Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

312.15 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Field Services Assistant Chief shall coordinate the procedures related to the custody of juveniles held at the Simi Valley Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

312.16 RELIGIOUS ACCOMMODATION

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

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313.1 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 Simi Valley Police Department members as required by law (Penal Code § 368.6).

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

313.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

313.2 POLICY

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

313.2.1 ADHERENCE TO POLICY

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

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

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

313.3 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.

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

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

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c) (18)).

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313.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

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

313.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
 - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
 - 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

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- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

313.5 MANDATORY NOTIFICATION

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

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

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

- (a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
 - 3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
- (b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department

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of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (i) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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

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

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

313.5.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

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313.6 PROTECTIVE CUSTODY

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

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

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

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

313.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

313.6.2 VERIFICATION OF PROTECTIVE ORDER

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

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

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313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

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

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

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

313.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

313.8 MEDICAL EXAMINATIONS

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

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

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313.9 DRUG-ENDANGERED VICTIMS

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

313.9.1 OFFICER RESPONSIBILITIES

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

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

313.9.2 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

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

313.10 TRAINING

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

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

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313.10.1 MANDATORY TRAINING

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

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

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

313.11 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

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

313.12 JURISDICTION

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

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

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

313.13 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

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

Welfare and Institutions Code § 15610.43

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

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physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

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

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

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

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

313.14 CHIEF OF POLICE RESPONSIBILITIES

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

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

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

313.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

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

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

Discriminatory Harassment

314.1 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.

314.2 POLICY

The Simi Valley 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. [See attachment: Policy 33.pdf](#)

314.3 REQUIRED POSTERS

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

Child Abuse

315.1 PURPOSE AND SCOPE

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

315.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

315.2 POLICY

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

315.3 MANDATORY NOTIFICATION

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

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

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

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

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

315.3.1 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 [See attachment: BCIA 8572.pdf](#)

315.4 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).

315.5 INVESTIGATIONS AND REPORTING

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

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

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

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

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

315.5.1 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).

315.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

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

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

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

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315.6 PROTECTIVE CUSTODY

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

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

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

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

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 - 2. There is no lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

315.6.1 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.

315.6.2 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.

315.7 INTERVIEWS

315.7.1 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.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

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315.7.3 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).

315.8 MEDICAL EXAMINATIONS

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

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

315.9 DRUG-ENDANGERED CHILDREN

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

315.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

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

315.9.2 OFFICER RESPONSIBILITIES

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

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

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

315.10.1 RELEASE OF REPORTS

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

315.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

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

315.10.3 CACI HEARING OFFICER

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

315.10.4 CACI HEARING PROCEDURES

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

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

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

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

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

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

315.10.5 CHILD DEATH REVIEW TEAM

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

315.11 TRAINING

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

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

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 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).

316.2 POLICY

The Simi Valley Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Simi Valley 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).

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Bureau 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) [See attachment: Missing Persons Checklist.pdf](#)

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

316.4 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).

316.5 INITIAL INVESTIGATION

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

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

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

316.6 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.

Unless the Department has been informed that the reported missing person/runaway has returned, the initial investigating officer shall retain the case for the first thirty (30) days of the disappearance. If the person has not been located in that period the case responsibility will be transferred to the Detective Bureau.

316.6.1 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 Bureau.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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

316.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member shall:

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- (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 Detective Bureau.
- (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).

316.7 DETECTIVE BUREAU FOLLOW-UP

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

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

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- (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).

316.8 WHEN A MISSING PERSON IS FOUND

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

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

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

316.8.1 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.

316.9 CASE CLOSURE

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

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

316.10 TRAINING

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

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.

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- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

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

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Assistant Chief and the Press Information Officer when any public alert is generated.

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

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Assistant Chief

317.4 AMBER ALERTS

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

317.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

317.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

317.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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317.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

317.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

317.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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317.6.1 CRITERIA FOR SILVER ALERTS

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

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

317.6.2 PROCEDURE FOR SILVER ALERT

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

317.7 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).

317.7.1 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.

317.7.2 PROCEDURE

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

317.8 FEATHER ALERT

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

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317.8.1 CRITERIA FOR FEATHER ALERT

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

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

317.8.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

317.9 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

317.9.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

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

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Department has utilized all available local resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.9.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

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

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317.10 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

317.10.1 CRITERIA FOR EBONY ALERT

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

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

317.10.2 PROCEDURE FOR EBONY ALERT

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

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Simi Valley Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Simi Valley Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Simi Valley Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

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

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

318.4 CRIME VICTIMS

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

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

318.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293). [See attachment: Ventura County Human Trafficking Protocol.pdf](#)

318.5 VICTIM INFORMATION

The Administration 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.

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

[See attachment: Marsys Card 2019.pdf](#)

318.6 WITNESSES

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

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

Hate Crimes

319.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Simi Valley Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

319.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

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- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

319.2 POLICY

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

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

319.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

319.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

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- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Coordinator to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:

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1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

319.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

319.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

319.4.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

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At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 1. Identity of suspected perpetrators.
 2. Identity of witnesses, including those no longer at the scene.
 3. The offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

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- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

319.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.

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6. Document the victim's protected characteristics.
 - (h) Provide victim assistance and follow-up.
 - (i) Canvass the area for additional witnesses.
 - (j) Examine suspect's social media activity for potential evidence of bias motivation.
 - (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 - (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
 - (m) Determine if the incident should be classified as a hate crime.
 - (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
 - (o) Document any suspected multi-mission extremist crimes.
 - (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

319.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

319.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

319.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

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[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Simi Valley 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.

320.2 POLICY

The continued employment or appointment of every member of the Simi Valley 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.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Simi Valley Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of anything of value, beyond de minimis value, contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Members should notify Administration of any change in residence address, contact telephone numbers or marital status as soon as practical.

320.5.4 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

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- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.

320.5.5 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) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

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- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.6 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) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (d) 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.
- (e) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (f) Any personal action contributing to a preventable traffic collision.
- (g) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.7 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 (other than temporary possession as a result of gift giving/receiving) 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.

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320.5.8 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.

320.5.9 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

320.5.10 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.
 - (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

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- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

320.5.11 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.

Information Technology Use

321.1 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.

321.1.1 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 Simi Valley 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.

321.2 POLICY

It is the policy of the Simi Valley 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.

321.3 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 or a personal device used in the course and scope of official duties.

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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However, the Department may not require a member to disclose a personal username 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).

321.4 RESTRICTED USE

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

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

321.4.1 HARDWARE

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

321.4.2 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which should not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted for investigative purposes, and a supervisor should be made aware.

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

321.4.3 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. The Department maintains no expectation that a member should check their e-mail or voice mail while off duty.

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

321.4.4 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.

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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.

321.5 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.

321.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Except in very rare cases, any inspection of an officer's use of an IT system shall be done within an internal investigation approved by the Chief of Police.

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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.

Report Preparation

322.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

322.1.1 REPORT PREPARATION

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

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

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

322.2 REQUIRED REPORTING

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

322.2.1 CRIMINAL ACTIVITY

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

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 1. Use of Force Policy

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

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

322.2.2 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 found property or found 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) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

322.2.3 DEATH CASES

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

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.

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- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

322.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

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

322.2.5 MISCELLANEOUS INJURIES

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

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

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

322.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

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

322.2.7 ALTERNATE REPORTING FOR VICTIMS

The online reporting system is under the command of the Field Services Deputy Chief.

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property/lost or stolen license plate(s)
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Annoying telephone calls with no suspect information.
- (e) Identity theft without an identifiable suspect.
- (f) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (g) Supplemental property lists.

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- (h) Incident Report Documentation
- (i) Hit and Run - non injury
- (j) Traffic Accident - non-injury
- (k) Vehicle Tampering
- (l) Unlawful use of a credit or ATM card

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor.

Online reports submitted by the public will be the responsibility of a Field Services Division Commander as assigned by the Field Services Division Deputy Chief. A designee may be appointed to assist in proper report classification and approval. The approving Commander or designee may modify the classification of the report to better fit the circumstances if necessary. The approving Commander or designee may also request follow up information from the reporting party prior to completing the approval process.

The approving Commander or designee may also decline to accept the online report and dispatch an officer to meet the reporting party for further investigation should circumstances dictate.

Once approved, online report submissions will be handled through the Records Bureau.

Members may refer victims to online victim assistance programs (e.g., Federal Trade Commission (FTC.gov) website for identity theft, Internet Crime Complaint Center (IC3.gov) website for computer crimes).

322.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

The case management function within the Department's Records Management System shall be used to manage the completion of reports requiring follow up or incomplete reports held with supervisory approval.

322.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should note the errors in the "approval queue" and return the report to handling officer. It shall be the responsibility of the handling officer to ensure that any report returned for correction is processed in a timely manner.

322.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for transcription and release shall not be modified or altered except by way of a supplemental report.

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Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

322.6 ELECTRONIC SIGNATURES

The Simi Valley Police Department does not currently utilize any form or system of electronic signatures.

Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Assistant Chiefs, Watch Commanders, and designated Press Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

323.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

323.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

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323.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records Bureau. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (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 and/or the City Attorney (Welfare and Institutions Code § 827.5).

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

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323.4.1 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.

323.5 NEWS MEDIA RELATIONS PROCEDURE

Procedure

- (a) The Professional Standards Bureau Commander, designated as the Department's Public Information Officer (PIO), is primarily responsible for the release of information to the media. Routine items may be handled by designated Sergeant(s) within her/his assignment.
 - (a) Generally, only the Department designated PIO or his/her designee will handle print media, radio interviews, live and/or pre-recorded video interviews for television, or any other social media platforms. Other Department members are not precluded from participating in these interviews; however, prior authorization by the Department PIO, designee or supervisor (if the member is below the rank of commander) shall be obtained. Print media, Radio and TV interviews, live or pre-recorded, can potentially have a dramatic effect on the public's perception of the agency.
- (b) Media releases
 - (a) Although the Professional Standards Bureau Commander is the Department's assigned PIO, a media release can be distributed by Watch Commanders or Supervisors in the absence of the PIO or as needed by the nature of the event or information.
 - (a) Due to recent technological advances with the internet, email, and social media, the Simi Valley Police Department has consolidated its media release process through a web service identified as Nixle (www.nixle.com). Nixle is a web service wherein members of the public as well as all media outlets can, and have, signed up with Nixle to receive media releases from Law Enforcement agencies throughout the United States. In conjunction with social media (Facebook and Twitter) Nixle not only delivers our press release information to professional media outlets, it allows the Department to reach tens of thousands of citizens who participate in these internet based services.
 - (b) The ability to reach several thousand (in some cases over one hundred thousand) people has a dramatic effect on our agency's ability to publish its own information with direct access to the public. This, however, does not minimize the Department's need for the services of professional print, internet, and television outlets. Even though we have a significant ability to reach the public, it does not compare to the reach of professional news organizations.
 - (c) A Press Release through Nixle can be prepared by the Department PIO, or designee, Watch Commander or Supervisor. It will inform the media, Department members, and City Officials and thousands of citizens of late

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breaking incidents, including but not limited to significant crimes, arrests, traffic collision, fires and other incidents of public interest. It can also be used to have the public assist the Department in locating missing persons as well as notify the public to avoid a particular area due to traffic incidents or other police activity that will impact traffic.

- (d) Generally, the Press Release shall identify the Public Information Officer as the source of additional information. In specific cases, Bureau Managers may request to handle all press releases and contacts on a particular case or event. It is the responsibility of each Commander or Sergeant preparing the release to ensure that it conforms to the Department's media policy. The Department designated PIO should be consulted if there are questions regarding content, format or other items of concern regarding the media release. The affected Bureau Manager (Commander or Sergeant) then assumes responsibility for the release of all information and the response to all inquiries about that case or event.
- (e) Due to the vast numbers of people a Nixle media release will reach, it is critical that the content be carefully vetted for completeness, and accuracy in conjunction with proper grammar and spelling.
- (b) Media release types that shall be distributed through Nixle, as soon as possible, are as follows:
 - (a) Assaults resulting in serious injury.
 - (b) Sexual assaults (except intra-family).
 - (c) Robberies.
 - (d) Property crimes exceeding \$10,000 loss.
 - (e) Significant or Fatal traffic collisions.
 - (f) All events, which, due to their nature or due to the individuals involved, are likely to generate media and/or public interest.
 - (g) A Nixle media release shall be generated in all significant felony arrests. These releases shall be made as soon as possible following the arrest.
- (c) Cases handled by the Detective Bureau from the onset, such as homicides and deaths, will require the generation of a media release from the Detective Bureau Commander in accordance with the Detective Bureau Order.
- (d) All proposed media releases of a general informational nature prepared by any member of the Department shall be sent to the Public Information Officer. The Public Information Officer shall review the media release for content and completeness. Subsequent to such review, the Public Information Officer will circulate the media release through Nixle and/or social media (currently Facebook/Twitter). In the absence of the Public Information Officer, this review and circulation shall be the responsibility of the Investigative Services Division Assistant Chief or his designee.

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- (e) Any request for interviews of any Department personnel concerning non-criminal matters shall receive the prior approval of the Public Information Officer, the Investigative Services Division Deputy Chief or the Chief of Police.
- (c) News media representatives present at the scene of police activities.
 - (a) The investigating Officer or Detective with Supervisor approval may respond to inquiries from the media when the Officer possesses accurate, factual information. Such responses by an Officer to the news media must conform to the guidelines outlined in this Policy. Any case that requires more than routine follow-up information should be referred to the Public Information Officer.
 - (b) In the absence of the Public Information Officer, or when otherwise deemed necessary, the Investigative Division Assistant Chief or his designee shall perform such duties.
 - (c) The Public Information Officer may designate one or more "Press Officers" to handle press contacts and briefings based on media volume or unique needs such as foreign language translation.
 - (a) The Public Information Officer will handle all media relations involving major incidents or incidents where specific knowledge of Department procedures is required.
 - (b) If no Public Information Officer is requested or assigned, the on-scene Supervisor is responsible for responding to media inquiries.
 - (d) Prior to the arrival of the Public Information Officer or the Investigative Division Assistant Chief, or his designee, the on-duty Watch Commander/Supervisor shall perform the duties of the Public Information Officer.
- (d) News media representatives at the Police Station.
 - 1. All news media representatives who come to the Police Facility shall, at all times, be escorted by a Department Employee while in any area not open to public access.
 - 2. A media I.D. card shall be worn by all media personnel when being escorted in non-public areas of the Police Station.
 - 3. The Press Release Book Daily Log shall be kept at the public counter of the Records Bureau.
- (e) Guidelines for the release of crime and arrest information to the news media.
 - 1. Pre-Arrest
 - (a) Information regarding the commission of a crime and the resulting investigation may be made available prior to the making of an arrest, the issuance of an arrest warrant, or the filing of formal charges. Such releases may include:
 - 1. General information relating to the crime (e.g., type of crime, extent of injury or damage, value of property taken).
 - 2. Date and time the crime was discovered.

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3. Victim's name and age, (except in sexual assault cases and other sensitive investigations in which only the victim's age and city of residence shall be released).
 4. Apparent cause of death.
 5. NOTE: Any facts or specific information concerning the crime, which could only be known by the perpetrator(s) or which could jeopardize the investigation, must not be released.
- (b) The identity of a suspect, including juveniles, and the results of investigative procedures shall not be disclosed prior to arrest except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect or to warn the public of any danger. Such a release will be made at the direction of or with the approval of the Public Information Officer and the Investigative Division Assistant Chief (or his/her designee) in accordance with current case law.
- (c) Available photographs may be released when the release serves a valid law enforcement function (i.e., to identify an unknown victim). When necessary to enlist public assistance in the apprehension of fugitives from justice, liberal disclosures of photographs are permitted. Such release will be made by or at the direction of or with the approval of the Public Information Officer, the Investigative Division Deputy Chief (his/her designee) or the Chief of Police.
2. Post-custody
 - (a) When a person has been arrested for the commission of a crime, information, which the public has a legal right to know includes:
 1. The identity of the arrested person (e.g., name, address, occupation, age, marital status). EXCEPTION: Current law dictates the names of juvenile arrestee(s) shall not be released.
 2. Substance of the charges against the person.
 3. Date, time and location of arrest, and information regarding the arrestee's resistance, pursuit and use of weapons, if any, as indicated in the report.
 4. Arresting agency and the status of its investigation into the case.
 3. Information, which shall not be released
 - (a) The following information shall not be released unless authorized by the Public Information Officer, Investigative Division Commander (his/her designee) or Chief of Police.
 1. The prior criminal record (including arrests, indictments, or other criminal charges), or the character or reputation of the accused person(s).

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2. The existence or contents of any confession or admission, the nature and content of statements made by the accused person, or the refusal or failure of the accused person to make any statement.
 3. The results of any examination or tests, or the accused person's refusal or failure to submit to an examination or test.
 4. Witnesses, testimony or credibility of prospective witnesses.
 5. The possibility of a plea of guilty to the offense charged or to a lesser offense.
 6. Any opinion relative to the accused person's guilt or innocence, the merits of the case or potential evidence.
- (b) Should a member of the news media request information other than that found on the media release (or update), the media person should then be referred to the Department's Public Information Officer.
- (f) Release of information to news media regarding Traffic Collisions
1. Pursuant to Vehicle Code Section 20012, the identity of the reporting parties shall not be disclosed. However, if the reporting party is also a witness to the collision, their identity must be released. No mention can be made that they are also the reporting party. (Refer to Government Code Section 6254 (f) and the Vehicle Code Section 20012)
- (g) Use of the Public Information Officer (PIO) in field situations
- (a) The Field Supervisor or Watch Commander may request the Public Information Officer at any field situation when:
 - (a) The Field Supervisor or the Incident Commander is unable to respond to news media inquiries.
 - (b) The incident is of a sensitive nature, involves the confidentiality of the involved persons or the incident requires a person who has expertise in media relations.
 - (c) There is a likelihood that media requests would interfere with the Police operations.
 - (b) A Public Information Officer should be requested for the following incidents:
 - (a) Incidents in which a Command Post is established for the coordination and management of a field operation (S.W.A.T. call out, search for missing persons, significant arrests, disasters, etc.).
 - (b) Major incidents that involve Police personnel or equipment that could result in a claim of criminal or civil liability; Officer involved shooting, in-custody injury or death, significant traffic collisions that involve City equipment and on-duty personnel.
 - (c) The Public Information Officer may respond to any field situation and upon arrival, immediately notify the Incident Commander or Field Supervisor of their availability to handle media relations.

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- (d) Prior to the arrival of the Public Information Officer at the scene of any field incident, the Incident Commander:
 - (a) May at the direction of the Watch Commander, direct the media to the Police Station where the Watch Commander may serve as the Public Information Officer.
 - (b) May direct the media to a designated area near the Field Command Post to await the arrival of the Public Information Officer.

323.6 POLICY

It is the policy of the Simi Valley Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

323.7 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

323.8 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

323.8.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

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Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

323.9 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

323.10 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

323.10.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The

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identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Simi Valley Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

Simi Valley Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.2.1 ACCEPTANCE OF SUBPOENA

All subpoenas are managed by the Detective Bureau Subpoena Control Desk or other employee designated by the Detective Bureau Manager. Subpoenas are served electronically through the VCJIS LEQ Case Maintenance server. The Detective Bureau Subpoena Control Desk or designee forwards all subpoenas directly to department members through their work email accounts. A subpoena is considered to be served once a department member reads the email notification from the Detective Bureau Subpoena Control Desk or designee. Once a subpoena is sent electronically to the department member, the person receiving the subpoena must respond by clicking the "accept" or "reject" button; the subpoena is considered to be served once it is read regardless of whether the employee accepts or rejects the subpoena. Rejecting a subpoena therefore is insufficient to account for a failure to plan time off or training. It is the responsibility of the employee to notify the Detective Bureau Subpoena Control Desk of any planned vacation or training dates. Department members should immediately contact the Detective Bureau Subpoena Control Desk or Ventura County Witness Coordination directly to arrange for any unplanned or unforeseen events that might affect court appearances. Department members are responsible for ensuring the accuracy of the dates for planned leave or training.

324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

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- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any department 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 Simi Valley Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Simi Valley Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

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324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Reserve Officers

325.1 PURPOSE AND SCOPE

The Simi Valley Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

325.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

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

325.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy, either Level 1 or Level 2.

325.2.2 APPOINTMENT

Applicants who are selected for appointment to the Reserve Police Unit, and after having successfully completed an approved academy, on the recommendation of the Chief of Police, shall be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

325.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves Officers shall receive all required equipment and uniforms from the Department at no cost on a "quartermaster" system.

Reserve officers receive no compensation for work provided to the City of Simi Valley.

325.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

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Reserve Officers

325.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Services Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month and attend the monthly Reserve Officer meeting.

325.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

325.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Program Unit Manager and/or Reserve Program Sergeant or his/her designee.

325.3.3 RESERVE PROGRAM UNIT MANAGER (COMMANDER)

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Commander.

The Reserve Program Commander shall have the responsibility of, but not be limited to:

- (a) Selection of a Sergeant, typically from the Field Services Division, to supervise the Reserve Officer Program
- (b) Assignment of reserve personnel
- (c) Conducting reserve meetings
- (d) Establishing and maintaining a reserve call-out roster
- (e) Maintaining and ensuring performance evaluations are completed
- (f) Monitoring individual reserve officer performance
- (g) Monitoring overall Reserve Program
- (h) Maintaining liaison with other agency Reserve Program Managers

325.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

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Level 2 field training is outlined below. Level 1 Reserve Officers follow the same amount of FTO training as full time sworn officers if hired from an outside agency. Retired SVPD Officers sworn in as a Reserve Officer are not required to complete FTO training.

325.4.1 TRAINING OFFICERS

The Field Training Program Unit Manager (Commander) shall assign Reserve Officers to a Field Training Officer as required.

325.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a Field Training Officer (FTO). The reserve officer will be assigned to work with his/her FTO during the first 200 hours of training. The minimal training schedule should be two 10 hours shifts per month for 10 consecutive months. The training can occur at a faster rate with concurrence of the Reserve Officer.

325.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual, online/Web based or hardcopy, 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 Simi Valley Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

325.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

The Reserve Officer's FTO(s) will advise on the progress of the Reserve Officer in training at the regularly scheduled FTO meetings.

325.4.5 COMPLETION OF THE FORMAL TRAINING PROCESS

When a level 2 reserve officer has satisfactorily completed training, he/she will have had a minimum of 200 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for an additional 282 hours but may not ride alone in a patrol car in an enforcement capacity.

The level 2 reserve officer may be assigned to transport prisoners or to a security detail with the approval of the on-duty Watch Commander prior to the completion of the 282 hour requirement.

325.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Assistant Chief.

325.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Assistant Chief, be relieved of the "immediate supervision" requirement. Level I

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reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Assistant Chief, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a) (1) for specific purposes and duration.

A Certified Designated Level I reserve officer is not subject to the "immediate supervision" requirement. A Certified Designated Level I is an officer who previously served as a full-time officer at any police agency and has a basic POST certificate. (Example is an SVPD Officer, Sergeant, Commander (formerly Lieutenant) Deputy Chief etc.. who becomes a reserve officer).

The City shall adopt through resolution the approval of the Chief of Police to authorize Certified Level I reserve officers to maintain 24-hour peace officer status as required by POST.

325.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

325.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

325.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

325.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Field Services Assistant Chief.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

325.5.6 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have

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been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

325.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

325.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow level 2 reserves to carry firearms once they have completed Department approved use-of-deadly force training dealing with legal aspects, off-duty carry policies and tactical considerations.

325.6.2 CONCEALED FIREARMS AUTHORIZATION

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

The decision to issue a concealed weapon permit will be approved by the Chief of Police with input from the Reserve Program Unit Manager and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Simi Valley Police Department.

325.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms as outlined in Policy # 306.

325.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Outside Agency Assistance

326.1 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.

326.2 PRE-PLANNED MUTUAL AID REQUESTS

All requests for Mutual Aid for a pre-planned event shall be coordinated through the Ventura County Sheriff's Department in accordance with the Ventura County Law Enforcement Operational Area Mutual Aid Manual. [See attachment: Ventura_County_LE_Mutual_Aid_Manual.pdf](#)

326.3 POLICY

It is the policy of the Simi Valley 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.

326.4 ASSISTING OUTSIDE AGENCIES

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

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

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

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. 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.

326.4.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Simi Valley 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.

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326.5 REQUESTING OUTSIDE ASSISTANCE

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

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

326.6 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in an incident report or as directed by the Watch Commander.

326.7 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Assistant Chief or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

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

Registered Offender Information

327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Simi Valley 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.

327.2 POLICY

It is the policy of the Simi Valley 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.

327.3 REGISTRATION

The Detective Bureau 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.

327.3.1 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.).

327.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Simi Valley Police Department personnel, including timely updates regarding new or relocated registrants.

327.5 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 Simi Valley Police Department's website. Information on sex registrants placed on the Simi Valley Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law (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.

327.5.1 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).

327.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Major Incident Notification

328.1 PURPOSE AND SCOPE

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

328.2 POLICY

The Simi Valley Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Assistant Chief. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

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

328.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate initial notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling cellular telephone numbers first and then by any other available contact numbers.

328.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Assistant Chief and the Detective Bureau Commander if that division is affected.

328.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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328.4.3 TRAFFIC BUREAU NOTIFICATION

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

328.4.4 PRESS INFORMATION OFFICER (PIO)

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

Death Investigation

329.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

329.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

329.2.1 CORONER REQUEST

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

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

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

329.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

329.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

A Police Chaplain may also be considered as a resource to assist with a death notification to the next of kin or to assist any of the on scene officers.

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329.2.4 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.

329.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form. A Detective Bureau Supervisor may request that all on scene officers complete a supplemental report noting their observations and actions.

329.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigative Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

329.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

Identity Theft

330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

330.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and 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.

Private Persons Arrests

331.1 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.

331.2 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.

331.3 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.

331.4 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

Limited English Proficiency Services

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

333.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Simi Valley 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).

333.2 POLICY

It is the policy of the Simi Valley Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

333.3 LEP COORDINATOR - DESIGNATION/RESPONSIBILITIES

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The Deputy Director of Critical Support and Logistics Division shall be designated as the Department's LEP Coordinator.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Simi Valley Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that an outside service is contracted with that provides access to interpreters for languages not spoken by Department personnel and is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

333.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

333.5 TYPES OF LEP ASSISTANCE AVAILABLE

Simi Valley Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

333.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

333.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

333.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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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.

333.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

333.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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333.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

333.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

333.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Simi Valley Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

333.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

333.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

333.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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333.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

333.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

333.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

333.17 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.

333.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Coordinator 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 Coordinator 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.

333.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and 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 Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

334.1 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.

334.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

334.2 POLICY

It is the policy of the Simi Valley 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.

334.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Field Services Assistant Chief or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Simi Valley Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Manager. 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.

334.4 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.

334.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Simi Valley 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.

334.6 TYPES OF ASSISTANCE AVAILABLE

Simi Valley Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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334.7 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.

334.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

334.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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334.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

334.11 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.

334.12 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.

334.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

334.13.1 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.

334.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

334.16 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.

334.17 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.

334.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator 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 Coordinator 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.

334.18.1 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.

Mandatory Employer Notification

335.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

335.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

335.2.1 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).

335.2.2 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).

335.2.3 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).

335.2.4 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

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and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

335.3 POLICY

The Simi Valley Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

335.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Chaplains

336.1 PURPOSE AND SCOPE

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

336.2 POLICY

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

A Deputy Chief at the discretion of the Chief of Police shall have management oversight and responsibility of the Chaplain program and its members.

336.3 ELIGIBILITY

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

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families, and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience is highly desirable.
- (f) Possession of a valid driver's license.
- (g) All Chaplains shall be:
 - 1. Ordained or licensed members of the clergy in good standing or retired in good standing, or;
 - 2. Can provide a written letter of endorsement and support for service as an SVPD volunteer Chaplain signed by their pastor or faith community leader.
- (h) Having an association with a church in Simi Valley is encouraged.

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

336.4 RECRUITMENT, SELECTION AND APPOINTMENT

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

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

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336.4.1 SELECTION AND APPOINTMENT

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

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

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

336.5 IDENTIFICATION AND UNIFORMS

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

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

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

336.6 CHAPLAIN COORDINATOR

The assigned Deputy Chief shall be considered the Chaplain Coordinator.

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

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

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

- (a) Recruiting, selecting and training qualified chaplains.

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

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

336.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, 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.

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

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

336.7.1 COMPLIANCE

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

336.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains should be contacted to respond to an incident generally by the Watch Commander.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Simi Valley Police Department operations, provided the Watch Commander has been notified and has approved the activity.
- (c) Chaplains shall not be evaluators of members of the Department.
- (d) In responding to incidents, a chaplain shall never function as an officer.
- (e) 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.

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- (f) Chaplains shall serve only within the jurisdiction of the Simi Valley Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (g) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

336.7.3 ASSISTING THE DEPARTMENT

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

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

336.7.4 ASSISTING THE COMMUNITY

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

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

336.7.5 CHAPLAIN MEETINGS

All chaplains are required to attend the monthly meetings.

336.7.6 ASSISTING DEPARTMENT MEMBERS

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

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- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

336.8 PRIVILEGED COMMUNICATIONS

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

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

336.9 TRAINING

The Department will provide training for department chaplains. The training, as approved by the Training Coordinator, may include:

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

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Training can be achieved through the International Conference of Police Chaplains
WWW.ICPC4COPS.ORG

Public Safety Video Surveillance System

337.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

As of June 2020, the Department does not operate or support overt video surveillance systems.

This policy remains in the Lexipol Manual as a placeholder only in the event such systems become available in the future.

337.2 POLICY

The Simi Valley Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

337.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

337.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation, or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

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- (a) To prevent, deter, and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending, and prosecuting offenders.
- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Watch Commander's office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Watch Commander or trained personnel in the Communications Center are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

337.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

337.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

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337.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

337.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

337.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

337.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the City Attorney. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

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337.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

337.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Simi Valley Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

337.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

337.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

338.2 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 Simi Valley 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.

338.3 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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338.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

338.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

338.3.3 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

338.3.4 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.

338.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

338.5 TRAINING

The Training Coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

339.1 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).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

339.2 POLICY

It is the policy of the Simi Valley 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.

339.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

339.4 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 Simi Valley Police Department affords to all members of the public (28 CFR 35.136).

Volunteer Program

340.1 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.

340.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

340.2 VOLUNTEER MANAGEMENT + VOLUNTEER COORDINATOR

The Department's Volunteer Program is under the command of the Auxiliary Services Bureau Commander. The Volunteer Coordinator is a paid employee who manages the program.

340.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.

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- (i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

340.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requestor is prepared to make effective use of the volunteer's services.

340.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

340.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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340.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

340.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to the Volunteer Coordinator any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

340.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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340.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the area 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.

340.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

340.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

Uniforms and equipment issued to Volunteers will be replaced as needed using a quartermaster system.

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At no time, while on duty as a Department Volunteer, shall any volunteer be armed with a firearm, regardless of whether the volunteer possesses a CCW.

340.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

340.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

340.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or his/her designee. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

340.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

Off-Duty Law Enforcement Actions

341.1 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 Simi Valley Police Department with respect to taking law enforcement action while off-duty.

341.2 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.

341.3 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.

341.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

341.4.1 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 Simi Valley Police Department officer . Official identification should also be displayed when feasible.

341.4.2 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.

341.4.3 CIVILIAN RESPONSIBILITIES

Civilian 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.

341.4.4 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.

341.5 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.

Department Use of Social Media

342.1 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).

342.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

342.2 POLICY

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

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

342.3 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.

342.4 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.

342.4.1 INCIDENT-SPECIFIC USE

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

342.5 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 Simi Valley 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.

342.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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342.6 RETENTION OF RECORDS

The Assistant Chief - Investigative Services Division 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.

342.7 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.

Native American Graves Protection and Repatriation

343.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

343.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

343.2 POLICY

It is the policy of the Simi Valley Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

343.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Medical Examiner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

343.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Gun Violence Restraining Orders

344.1 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).

344.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

344.2 POLICY

It is the policy of the Simi Valley Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

344.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

344.3.1 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).

344.4 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 Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

344.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

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344.5 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.

344.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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344.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

344.8 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.

344.9 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Bureau 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).

344.10 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).

344.11 TRAINING

The Training Coordinator should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

344.12 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 1. A temporary emergency gun violence restraining order.
 2. An ex parte gun violence restraining order.
 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

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1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Coordinator 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.

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- (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).

Body Armor

345.1 POLICY

It is the policy of the Simi Valley Police Department that every sworn member be issued body armor capable of being worn with a uniform.

345.2 REQUIREMENTS

When in the field, all sworn members, while in uniform and engaged in field operations, shall wear body armor.

Field operations is defined as being subject to radio calls and where enforcement action is a primary focus of the member's assignment.

345.3 REPLACEMENT OF BODY ARMOR

Body armor will be replaced at the recommended time intervals of the manufacturer at no cost to the member. Only Department approved body armor shall be worn.

Department Security

346.1 PURPOSE AND SCOPE

It is purpose of this policy to provide an optimal level of security for the department's employees as well as to ensure the confidentiality of activities and information.

346.2 POLICY

It is the policy of this department that each person entering the facility be required to display some form of official identification.

All non-uniformed department members are required to either display their badge and/or identification card on the issued SVPD lanyard.

Visitors will be required to disclose their purpose, provide verifiable identification, be determined to have no arrest warrants and be willing to display an approved visitor's badge or other acceptable form of identification at all times while inside the police facility. Each visitor's purpose for entry shall be confirmed in accordance with this Policy as detailed in Section 346.3, Visitor Access.

346.3 VISITOR ACCESS

Prospective visitors shall be required to provide the Front Desk member with requested information as detailed in this policy and agree to comply with any specific instructions regarding their conduct while inside the police facility. In the absence of Front Desk members, the Watch Commander/Supervisor or their designee shall assume responsibility for compliance with the visitor access process.

Visitors will be required to provide an acceptable form of personal identification and provide their purpose for the visit prior to entering the police facility. Acceptable forms of identification include:

- (a) State issued drivers's license
- (b) State issued identification card
- (c) Passport

Acceptable form of confirmation:

- (a) Contact and confirmation made with member being visited
- (b) City Identification Card/PIN grants access into the police facility

If the prospective visitor does not present an acceptable form of personal identification and purpose for entry, authorization to enter the facility may be denied at the discretion of the Watch Commander/Supervisor or their designee.

346.3.1 RECORDS CHECK

The Watch Commander/Supervisor or their designee shall conduct a Ventura County, Los Angeles County and NCIC check for wants/warrants and probation or parole status on the prospective visitor prior to authorizing entry into the police facility. If any of these inquires return with a "hit",

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the Watch Commander/Supervisor shall be notified immediately, prior to allowing the prospective visitor entry.

Visitors that will be under constant supervision by a department member may not be subject to this records check. Additional exceptions include but are not limited to :

- (a) City employees
- (b) Law enforcement
- (c) Tour groups
- (d) Department family members

346.3.2 VISITOR LOG

Visitor information shall be entered in the "Visitor Log", which shall be retained at the Front Desk and be the responsibility of members assigned to that area.

Prior to entering the police facility and once a records check has been completed, the visitor shall be issued a numbered Visitor badge and their personal identification document placed in the corresponding Visitor badge slot. Once the visit has been completed a department member will return the visitor's personal identification in exchange for the Visitor badge. No personal identification should be returned to a visitor without first obtaining the Visitor badge.

Immediately upon determining that a Visitor badge is potentially missing, the Watch Commander/Supervisor should be notified. It shall be the Watch Commander/Supervisor's responsibility to make every effort to recover the Visitor badge.

346.3.3 VISITOR LOG RETENTION

Completed Visitor Log forms shall be maintained for two years and subsequently purged. This retention and purging shall be the responsibility of the Traffic Bureau Commander or their designee.

346.4 IDENTIFICATION DISPLAY

Each visitor issued a Visitor badge and lanyard shall be instructed to display it in such a manner as to ensure its visibility at all times.

City employees shall be required to display their issued identification card at all times while within the police facility.

- If a City employee does not have their employee identification, they shall be issued and display a Visitor badge accordance with this policy.

Outside law enforcement personnel are required to display their department issued identification card or badge in a manner that ensures its visibility at all times while in the police facility.

346.5 VISITOR BADGE SECURITY

Visitor badges shall be inventoried by Front Desk members at the end of each business day and any missing badges immediately reported to the Watch Commander/Supervisor. If the Watch

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Commander/Supervisor is not able to reconcile the missing badge within a reasonable time, the Professional Standards Bureau Commander should be notified.

If a Visitor badge is not recovered all department personnel shall be notified by Professional Standards that the missing badge number is no longer valid.

Operations Special Detail Notification

347.1 PURPOSE AND SCOPE

This policy shall establish a notification procedure to ensure that supervisors of the Patrol Bureau are aware of any special details which may be deployed during any operational period.

347.2 POLICY

It is the policy of the Department to require that all uniformed special details, except those working under a full operational plan, notify the on-duty Watch Commander/Supervisor of the nature of the detail, those officers assigned, and the duration of the detail.

The policy exists to ensure officer safety for department personnel and prevent any conflict in enforcement activities.

347.3 PROCEDURE

Prior to the deployment of any uniformed resources on any special detail the Watch Commander/Supervisor shall be notified using the "Operational Notification Form" [See attachment: Operations Notification.pdf](#).

Body-Worn Cameras

348.1 PURPOSE AND SCOPE

To provide policy and procedures for the use of the Body-Worn Camera (BWC) system including both audio and video recording of field activity in the course of official police duties.

The use of the BWC system provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigations. Members shall utilize the device in accordance with the provisions of this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

This policy does not apply to interviews or interrogations conducted at the Simi Valley Police Department facility, authorized undercover operations, wiretaps or covert audio/video recordings.

348.2 POLICY

The Simi Valley Police Department shall provide members with access to body-worn cameras for use during the performance of their duties. The use of the BWC is intended to enhance the effectiveness of investigations and increase departmental transparency by accurately capturing contacts between members of the Department and the public.

348.3 DEFINITIONS

1. **Body-Worn Camera (BWC)** - A Camera worn on an individual member's person that records and stores audio and video.
2. **Standby Mode** - The BWC is on but has not been activated to record both sound and video. While in the standby mode the BWC will continuously record video only in 30 second loops.
3. **Event Mode** - The BWC is activated and recording both audio and video.
4. **Digital Evidence** - BWC files, including digital photographs, audio recordings and video footage captured by a BWC and stored digitally.
5. **Evidence Docking Station (EDS)** - A multi-ported docking station installed at fixed locations in the Department facility. The EDS charges the BWC while uploading all digitally encrypted data from the device and transfers that data to Evidence.com.
6. **Evidence.com** - A digital evidence management service that stores digitally encrypted data in a highly secure environment accessible to personnel approved by the Chief of Police or his/her designee.
7. **Metadata** - Digital identifiers that are captured as part of the actual recording such as date/time, report numbers, GPS coordinates and other descriptors used to identify digital evidence.

348.4 PROCEDURE

- (a) Officer safety and the safety of the public shall be the primary considerations when contacting citizens or conducting enforcement activities, not the immediate recording of an event.

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- (b) Unauthorized use, duplication, and/or distribution of BWC files is strictly prohibited. Members shall not make copies or duplicate any BWC file in any manner for non-official police purposes.
- (c) The BWC shall not be used to record non-work related activity and shall not be intentionally activated in places where a reasonable expectation of privacy exists (i.e. locker rooms, dressing rooms or restrooms).
- (d) All recorded media, images, and audio from the BWC are property of the City of Simi Valley and shall not be disseminated in any form or manner outside the parameters of this policy without the express written consent of the Chief of Police or his/her designee.
- (e) Members shall have no expectation of privacy or ownership interest in the content of BWC recordings made while acting in an official capacity for this department.

348.5 ACTIVATION GUIDELINES

- (a) There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to those instances in which activation is required, members should activate the BWC anytime they feel its use would be appropriate and/or valuable to document an incident. Unless it is unsafe to do so, or mechanical issues that impede the use of the BWC are present, members shall activate their BWC in any of the following circumstances:
 1. Calls for Service in which there is citizen contact.
 2. In anticipation of investigative and/or enforcement encounters where there is a reasonable suspicion that the person is involved in criminal activity or a violation of law. This includes but is not limited to; self-initiated enforcement activities, traffic stops, pedestrian checks, and any other investigative or enforcement encounter.
 3. Encounters with persons who exhibit confrontational or belligerent behavior or an intoxicated subject.
 4. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise have required activation.
 5. While maintaining peace at a protest, rally, or public meeting.
 6. Prior to responding with lights and sirens (Code 3).
 7. When engaged in a pursuit or following a vehicle failing to yield.
- (b) When transporting a subject in a police vehicle who is detained, arrested, or under criminal investigation, members should consider activating the BWC based upon the subject's age, sex, medical condition, and/or level of cooperation. **Note:** The BWC camera system is automatically activated whenever a member removes a firearm from its holster or activates an electronic control device.
 1. Members are not required to obtain consent to activate their BWC from a private person when:
 2. In a public place.

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3. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where the member is lawfully present and engaged in the performance of official duties).
 4. Members are not required to initiate or cease recording of an event, situation, or circumstance solely at the demand of a citizen.
 5. Members are encouraged to advise private persons that they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or compromise officer safety.
- (c) Members should be aware of certain circumstances when operating the BWC may not be appropriate, such as:
1. In a hospital emergency room where patients, including patients not part of the member's call for service, should be considered.
 2. Anytime a person's physical or mental health information is being discussed.
 3. When the use of the BWC causes emotional distress to a crime victim, such as a rape or other sexual assault/crime, or crimes involving a child. In this circumstance, digital audio recording should be used as an alternative, as detailed in Policy 422, Audio Recording.
 4. While on the school grounds (K -12), during school hours.
 5. During a tactical briefing (i.e., call for service or a SWAT activation), discussion of case facts or investigative tactics outside the presence of all involved parties, including any victim, witness, or suspect. Prior to muting or turning off the camera for these purposes, the member shall indicate the purpose for muting or deactivation of the BWC. The member shall be responsible for deactivating the mute feature or reactivating the BWC at the conclusion of these discussions.
- (d) Members are not required to turn off the BWC inside a private residence when responding to investigate a crime, a potential crime is in progress, or when there is a likelihood of enforcement actions being taken within the residence.
- (e) In those situations where the member feels it necessary to turn off the BWC in order to gain compliance from a victim or witness but department policy requires a recorded statement (i.e., domestic violence victim) the member may deactivate the BWC and utilize the Axon Capture application, or their digital audio recording device to record statements.
- (f) Members shall only use the BWC system issued and approved by the Department for official police duties. The wearing of any other personal video recorder for the same purpose is not authorized without the permission of the Chief of Police or his/her designee.
- (g) Members shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWC.
- (h) It shall be deemed a violation of this policy for a member to intentionally fail to activate the BWC, or terminate a recording in order to conceal a violation of policy or law.

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348.6 RESPONSIBILITIES

System Administrator - The System Administrator(s) is designated by the Chief of Police and has oversight responsibilities to include, but not limited to the following:

- (a) Operation and user administration
- (b) Equipment inventory and tracking
- (c) Warranty repair oversight
- (d) BWC and EDS troubleshooting
- (e) Ensuring digital media security and retention pursuant to policy
- (f) BWC point of contact for the District Attorney, Public Defender and outside agencies
- (g) Response to subpoena for BWC media
- (h) Response to Public Records Act requests
- (i) Due diligence prior to purging BWC files
- (j) Remain up to date on BWC related laws and policies
- (k) Periodic review of BWC files to ensure that BWCs are being activated in accordance with this policy

Supervisory:

- (a) Ensure members utilize the BWC according to policy guidelines.
- (b) Review BWC files prior to completing a Use of Force Investigation.
- (c) The Use of Force Review Board will also review any BWC files associated with their analysis responsibilities.
- (d) In order to immediately resolve citizen complaints, supervisors may review video captured by the BWC. When a complaint is resolved with no further action needed, supervisors shall add an additional category of Citizen Complaint to the video and make appropriate entries in the "Notes" section of Evidence.com. This will allow Professional Standards Bureau personnel to track incident/complaints resolved by the use of the BWC system.
- (e) It shall be deemed a violation of this policy for a supervisor or manager to review BWC files for the sole purpose of searching for violations of department policy or law not related to a specific complaint, incident, or pattern of behavior.

BWC Users:

- (a) Ensure the BWC is fully charged and functioning properly before going in service.
- (b) Immediately report unresolved equipment malfunctions and/or problems to a supervisor.
- (c) Position the camera on their regular or modified uniform so as to facilitate optimum recording field of view.
- (d) Prior to going in-service for patrol duty, regular or modified uniform personnel shall turn on the BWC and place it in the Standby mode.

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- (e) Once a recording has commenced do not deactivate the recording feature except as allowed by this policy, or at the conclusion of the incident or contact.
- (f) Dock their issued camera for automated upload of BWC files daily at the end of their shift at the EDS to ensure storage capacity is not exceeded and/or to view uploaded BWC files.
- (g) Motor officers, K9 officers and Detectives with take-home vehicles may take home and charge their BWC with an approved charging cable. It will be the responsibility of the member to dock their BWC to upload any evidence as soon as practical, at least once per shift. Prior to regular days off and/or any planned annual leave, Members will upload any BWC footage prior to the end of their last regular work day.
- (h) Members with take-home vehicles involved in any significant event (e.g. UOF, OIS, K9 deployment, etc.) must dock the BWC for download prior to the end of their assigned shift.
- (i) Monitor system effectiveness and make recommendations for operational improvements or policy revisions.
- (j) Document the existence or absence of a BWC recording in all reports or other official records of contacts, including instances in which the BWC malfunctioned or the member failed to activate or deactivated the BWC. In such instances members shall document the malfunction or reason for failure to activate or deactivate the BWC.

NOTE - Members should continue to prepare reports in the same manner as prior to implementation of the BWC Program. Members should not substitute "refer to video" for a detailed and thorough report.

Once BWC video of evidentiary value is captured, and absent RMS integration, members shall identify BWC files by:

- (a) When assigned, note the SVPD case number in the Case ID Field.
- (b) Enter a title. The title should include sufficient information to identify the file, such as a crime code, suspect name, location, event, etc.
- (c) Select the appropriate category(s).
- (d) Information may be entered via hand device, MDT, or SVPD computer workstation via Evidence.com.

348.7 REVIEW OF FILES

- (a) Although the data captured by the BWC is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is 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. Members authorized under this policy may review BWC video according to the provisions of this policy.
- (b) Once uploaded to Evidence.com, personnel may view their own audio/video data. Evidence.com automatically time/date stamps and records each access by member name.

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- (c) A member may also review BWC files as it relate to:
 - 1. Their involvement in an incident is for the purposes of completing a criminal investigation and preparing official reports (access may be via a department-issued handheld device).
 - 2. Prior to courtroom testimony or for courtroom presentation.
 - 3. Providing a statement pursuant to an administrative inquiry, including officer-involved shooting investigations.
 - 4. Personnel Complaints: Members are encouraged to consult legal representation and may request to review their BWC video, or any other BWC files in which their image or voice was captured, prior to providing a statement pursuant to the administrative inquiry.
- (d) Evidence.com shall only be accessed from department-authorized computers, workstations, MDTs, or department-issued cellular phones.

Exception: Administrative users of Evidence.com may access Evidence.com from a computer or device outside of the Department for the purposes of completing administrative tasks, such as locking or unlocking users, or other administrative tasks.

348.8 FILE REQUESTS

Internal Departmental Requests

Any request shall be completed by the System Administrator with the approval of the Chief of Police or his/her designee.

Non-Departmental Requests

All other requests for a BWC file shall be accepted, processed and released in accordance with federal, state, local statues and Department policy (e.g., Public Records Act, Policy 805 Records Maintenance and Release, etc.). Any other release of BWC digital media shall be at the sole direction of the Chief of Police or designee and in the public interest.

Request for Deletion of Accidental Recording

In the event of an accidental activation of the BWC where the resulting recording is of no evidentiary value, the recording member may request the BWC file to be deleted by categorizing the item as "queue for deletion." A BWC administrator will review the video and if it is obvious on its face it is accidental and un-needed, the file can be queued for deletion. If there is a question regarding the subject of the video, the Deputy Chief or his/her designee will decide the video's retention period and forward their decision to a BWC administrator for action. In the event of any video being queued for deletion in advance of its retention period, a note indicating the reason for the deletion shall be attached for future reference.

Copying Procedure

- (a) A copy of the BWC file may be made by the involved member, System Administrator, or the Court Liaison Officer in accordance with the provisions of the policy for evidence, DA request, etc.

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- (b) Other than as provided in this policy, no member of the Department shall download any video from Evidence.com onto any computer, device, drive, CD, DVD, or any other format without the consent of the Chief of Police or his/her designee.

Investigators Conducting Criminal or Special Investigation Shall:

- (a) At the direction of the Deputy Chief or his/her designee, advise the System Administrator to restrict access/public disclosure of the BWC file in a criminal or special investigation, when necessary.
- (b) Document the reason for access by entering the purpose and related report or SI case number on the BWC "Notes" field prior to viewing.
- (c) Review the BWC file to determine whether the file is of evidentiary value and process in accordance with established procedures.
- (d) Investigators shall notify the System Administrator to remove access restriction when the investigation is closed.

Training Purposes

- (a) A BWC file may be utilized as a training tool for individuals, specific Bureaus, and the Department as a whole. A recommendation to utilize a BWC file for such purposes may come from any source.
- (b) A member recommending utilization of a BWC file for training purposes shall submit the recommendation through the chain of command to the Deputy Chief.
- (c) If an involved member objects to the showing of a BWC recording, his/her objections will be submitted to the Deputy Chief to determine if the member's objection outweighs the training value.

348.9 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with body-worn cameras is prohibited (Penal Code § 832.19).

348.10 CATEGORY AND RETENTION

- (a) Absent automated RMS integration, members utilizing the BWC system shall identify each video by category. In the event a video is taken that does not fall into a listed category and has no evidentiary or administrative value, the member may leave the video as uncategorized.
- (b) BWC files shall be retained in accordance with established Simi Valley Police Department Policy and pursuant to all state public records retention laws.

348.11 REPAIR PROCEDURES

- (a) Members shall immediately report any recognized problems with the BWC to their immediate supervisor. Personnel shall obtain a replacement BWC and have it assigned to them as soon as practicable before going back into service.
- (b) Upon notification, the supervisor shall contact a System Administrator stating the problem or malfunction.

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- (c) The System Administrator will report unresolved deficiencies to Axon Enterprise via web-based support at <http://www.taser.com/support/contact-us> by completing the required information online and describing the issue or defect in the "message" window provided.
- (d) Provide the serial number of the BWC unit needing service or repair and identify the model as an Axon Flex, Axon Body, or battery pack as appropriate. An Axon representative will contact a Department BWC System Administrator for resolution.

348.12 DISCOVERY OF MISCONDUCT

Members reviewing BWC files should remain focused on the incident or incidents in question and review only those recordings that are relative to their investigative scope. If improper conduct is suspected during any review of a BWC file, the member who discovered the conduct in question shall immediately notify a supervisor. The supervisor will make notifications to the appropriate management via the chain of command. Nothing in this procedure prohibits addressing policy violations.

Mobile Field Force

349.1 PURPOSE AND SCOPE

The threat of civil disturbance and large-scale natural or man-made disasters gives rise to establish Mobile Field Force (MFF) operations and tactics within the Department. The Mobile Field Force concept has been developed to provide a fast and effective method to assemble and control a platoon-size tactical force from on/off duty personnel. It is adaptable to both pre-planned and spontaneous events which require the rapid assembly of large numbers of personnel within Simi Valley or requests for mutual aid. The intent of this policy is to prepare for a large-scale emergency response within the County of Ventura as well as to requests from other agencies with respects to mutual aid as provided by the California Law Enforcement Mutual Aid Plan. [See attachment: Ventura_County_LE_Mutual_Aid_Manual.pdf](#)

349.2 POLICY

The Department Mobile Field Force (MFF) is intended for use in crowd control or major civil unrest situations with the goal to:

- (a) Protect Life
- (b) Protect Property
- (c) Restore and Maintain Order
- (d) Protect Constitutional Rights

As it relates to the MFF, the Department will adhere to the basic manpower, equipment needs, and operational guidelines delineated by the California Emergency Management Agency Law Enforcement Guide for Emergency Operations.

349.3 PROCEDURE

Mobile Field Force Operations:

- (a) The MFF shall have and maintain staffing consisting of squads based on one (1) sergeant and seven (7) to eleven (11) subordinates, in addition to one (1) grenadier per squad. Based on staffing levels the Department will attempt to maintain more than one (1) squad,
- (b) The Mobile Field Force (MFF) may respond to field situations directly from a pre-designated staging location, yet remain subordinate to the Incident Commander. The MFF does not have to respond directly to the Incident Command Post.
- (c) During pre-planned events, the MFF may be mobilized by Incident Command. Depending upon operational considerations, it can also be deployed to the Incident Command Post as a ready reserve, broken into squads and then assigned specific missions.
- (d) The MFF may be disbanded after its initial mission and reformed into ready reserve elements.

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During a Mobile Field Force incident, officers may use their baton to control crowd members who do not respond to verbal directions. The baton may be used to move those individuals who do not respond to verbal commands to disperse.

- (a) The use of the passive push or aggressive thrust technique with the baton will not be considered a standard use of force, and should be considered an extension of the hand to control or move a crowd.
- (b) Any use of a baton, either passive push or aggressive thrust or other technique, will be reported to a supervisor for documentation on an Incident Report or ICS 214 or after-action report as soon as practical.
- (c) The baton may be used as an impact weapon based on the degree of active resistance or combative behavior demonstrated by crowd members. Personnel shall follow the Department's use of force policy.
- (d) Any use of the baton, other than the passive push or aggressive thrust technique, shall be documented under the Department's standard use of force policy as soon as practical.

All Department policy regarding use of force shall remain in effect during a MFF deployment. However, the rapid escalation of appropriate less lethal devices, chemical agents, 37/40 mm projectiles, Conducted Electrical Weapons (TASERS), Pepper Balls and light/sound diversionary devices should be considered, and if appropriate, they should be used decisively and without hesitation.

The use of approved chemical agents and approved less lethal devices are authorized for field personnel during Mobile Field Force activations or at the direction of a Commander.

- (a) The Chief of Police may authorize the use of alternative types of weapon systems including, but not limited to, tear gas launchers, grenade launch devices and other such special weapon systems appropriate for the situation.
- (b) When using an alternative type of weapon system, the personnel using such system shall have been trained in the use and deployment of the weapon system.

The use of mobile vehicle tactics is approved for use in Mobile Field Force deployments by properly trained personnel.

If an active shooter situation should occur, the Mobile Field Force or individual squads assigned to the area should respond to isolate, contain, apprehend and/or neutralize the subject(s). If containment has been accomplished, the Special Weapons and Tactics Team or another agency's equivalent should be requested and deployed.

349.4 TRAINING

All personnel assigned to the MFF shall receive the appropriate level of training for their designated assignment and a record of that training maintained by the Professional Standards Bureau.

Personnel assigned to Bureaus other than the Patrol Bureau shall also be trained and available to respond to MFF activations should the need arise.

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Mobile Field Force

The Department will maintain a minimum of 8 trainers/instructors from department personnel responsible for instruction on Mobile Field Force.

Department-wide training will be conducted on an annual basis.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 POLICY

The Simi Valley 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.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Simi Valley. The function of patrol is to respond to calls

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Patrol Function

for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Simi Valley Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The Simi Valley Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.4 MEMBER RESPONSIBILITIES

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

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Simi Valley Police Department is the primary agency, the Simi Valley Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

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401.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning bias-based profiling.

401.6 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

401.6.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Professional Standards Bureau.

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

401.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

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

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new policies or changes in existing policies.
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

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

The RMS BOLO system should be used as the basis for each briefing.

The Daily Training Bulletins (DTBs), as provided by Lexipol, in most cases should be the basis for Roll Call Training (RCT). The Deputy Chief of the Field Services Division shall ensure that a Field Services Division Supervisor is responsible for organizing the RCT for each shift and that records are kept of what topics have been covered.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and the BOLO's shall be maintained in the Department's Records Management System.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Simi Valley Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

SWAT/CNT Deployments

404.1 PURPOSE AND SCOPE

The Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT) have 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) [See attachment: AG SWAT Commision Report - 2002.pdf](#) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations [See attachment: POST SWAT Operational Guidelines - 2005.pdf](#) (Penal Code § 13514.1).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SWAT and CNT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 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.

404.2 LEVELS OF CAPABILITY/TRAINING

It is critical that the SWAT and CNT Commander and Supervisors are aware of the team's capabilities.

404.3 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

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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.

404.3.1 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.

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures (SWAT Manual) [See attachment: SWAT Manual Final April 2017 \(3\).pdf](#) 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.
- (i) Specialized functions and supporting resources.

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures (SWAT Manual) 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 SWAT/CNT 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.

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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.
 - (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.

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404.4 TRAINING NEEDS ASSESSMENT

The SWAT/CNT Commander shall conduct an annual SWAT/CNT 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).

404.4.1 INITIAL TRAINING

SWAT/CNT team operators and 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.

404.4.2 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.

404.4.3 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.

404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the team commander. The team 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 follow the guidelines contained in the most recent version of the Department's SWAT Manual.

404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 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.

404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the SWAT Commander on a city maintained server .

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404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 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. Guidelines are provided in the Department's SWAT Manual.

404.5.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.5.3 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.

404.5.4 OPERATIONAL READINESS INSPECTIONS

The SWAT Commander shall appoint a SWAT supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment, and vehicles.

404.6 MANAGEMENT/SUPERVISION OF THE SWAT/CNT TEAM

The Commander of the SWAT/CNT Team shall be selected by the Chief of Police upon recommendation of staff.

404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Investigative Services Assistant Chief, the SWAT/CNT Team shall be managed by a Commander.

404.6.2 TEAM SUPERVISORS

The Negotiation Team and Special Weapons and Tactics Team will be supervised by a sergeant(s).

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the Team Commander.

The following represent the supervisor responsibilities for the SWAT/CNT Team:

- (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 Team 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 Team Commander.

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404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiations 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 Negotiations Team [See attachment: CNT Manual.pdf](#).

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Assistant Chief. A copy will be forwarded to the SWAT Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SWAT 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.

404.7.2 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.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8 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

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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.

404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a memo of interest to their appropriate Assistant Chief, a copy of which will be forwarded to the Team 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 Team 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 SWAT 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 Team Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT Firearms: Candidates will be invited to shoot the SWAT Drill for the handgun/shotgun/rifle.
- (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 Team Commander, for final selection.

404.8.2 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 Team Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team

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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.

404.9 OPERATION GUIDELINES FOR SWAT/CNT

The following procedures serve as guidelines for the operational deployment of the the Special Weapons and Tactics Team and the Crisis Negotiations Team. Both teams 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 Negotiations Team such as warrant service operations. This shall be at the discretion of the Team Commander.

404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SWAT Team is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the SWAT Commander.

404.9.2 APPROPRIATE SITUATIONS FOR USE OF THE SWAT/CNT TEAM

The following are examples of incidents which may result in the activation of the SWAT/CNT Team:

- (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.

404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Simi Valley Police Department SWAT/CNT Team in response to requests by other agencies must be authorized by a Assistant Chief.

404.9.4 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 may be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Simi Valley Police Department SWAT team shall operate under the policies, procedures and command of the Simi Valley Police Department when working in a multi-agency situation.

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404.9.5 MOBILIZATION OF SWAT/CNT

The On-Scene supervisor shall make a request to the Watch Commander for the SWAT/CNT Team. Should the Watch Commander agree on the request, they shall then notify the Team Commander and put the request out using the automated Department system. A current mobilization list shall be maintained in the Watch Commander's office by the Team Commander.

The Watch Commander should advise the Team 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.

404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT/CNT Team, 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 Incident Command - the Incident Commander should be the Watch Commander. If a Watch Supervisor is on duty, a Commander should be called to the scene.
- (d) Attempt to establish preliminary communication with the suspect. Once the SWAT Team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (e) Be prepared to brief the Team Commander on the situation.
- (f) Plan for, and stage, anticipated resources.
- (g) Establish Unified Command with other involved agencies.

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT/CNT Team at the scene, the Incident Commander shall brief the SWAT Team Commander and Team Supervisors regarding the situation. Upon review it will be the Incident Commander's decision, with input from the SWAT Team Commander, whether to deploy the Team. The Incident Commander shall have responsibility for all aspects of the police

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response to the incident, including the assignment of appropriate missions for the SWAT and/or CNT Teams and the final resolution of the incident. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT Team. The Incident Commander and the SWAT Team Commander (or his/her designee) shall maintain communications at all times.

Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The Simi Valley 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 should be considered in disqualifying an applicant and are not limited to:

- Being under 14 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are limited to Watch II and Watch III hours. They are generally not to exceed 4 hours in length. Exceptions to this schedule may be made as approved by the Chief of Police, Assistant Chief, or Watch Commander.

The Watch Commander may limit the number of ride-alongs on any shift to two.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

Ride-along applicants under 18 years of age require approval by a Deputy Chief.

Ride-along applicants under 16 years old require the approval of the Chief of Police.

Ride-along applicants under the age of 14 are prohibited.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

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If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once each calendar year. An exception would apply to the following: Explorers, Volunteers, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

405.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Simi Valley Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

405.3 OFFICER'S RESPONSIBILITY

The officer shall advise the Communications Center 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 officer respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs.

405.4 DOCUMENTING THE PRESENCE OF A RIDE-ALONG

Like any other witness present at the scene of an investigation, the presence of a ride-along should be clearly documented in an officer's report, including the ride-along's contact information (first

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and last name, address, phone number, etc: work address, and phone number are acceptable as an alternative). The same is true for civilians who attend DUI checkpoints. The witness will be subject to subpoenas.

405.5 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the fire department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

406.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

406.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

407.2 POLICY

It is the policy of the Simi Valley Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

The Simi Valley Police Department recognizes and understands not all suicidal subjects are considered barricaded or require a Special Weapons and Tactics (SWAT) and/or Negotiator response or immediate police action. There is a distinction between an armed barricaded **suspect** wanted for a crime and barricaded **subject** who has not committed a crime, but only expressed the desire to commit suicide. It is not a criminal act to express the desire or even attempt to commit suicide, and suicidal or mentally ill persons are afforded the same level of legal protection afforded to all persons.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

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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.

When dealing with involved family members, officers should avoid making any statements to those family members or loved ones that would suggest a special relationship has been created or to promise a specific outcome. Members should attempt to establish the concerned person's expectations of on-scene law enforcement personnel.

407.3.1 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.

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

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407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

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- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.

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- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
 - 1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Press Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

407.6 SWAT RESPONSIBILITIES

Upon arrival of the SWAT/CNT Team at the scene, the Incident Commander shall brief the SWAT Team Commander and Team Supervisors regarding the situation. Upon review it will be the Incident Commander's decision, with input from the SWAT Team Commander, whether to deploy the Team. The Incident Commander shall have responsibility for all aspects of the police response to the incident, including the assignment of appropriate missions for the SWAT and/or CNT Teams and the final resolution of the incident. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT Team. The Incident Commander and the SWAT Team Commander (or his/her designee) shall maintain communications at all times.

407.6.1 OPTION TO STRATEGICALLY DISENGAGE

The actions of first responders will be weighed against the information known, governmental interest, subject's actions, and efforts to de-escalate the situation. First responders may choose to strategically disengage to avoid resorting to force when it is determined the primary concern is self-harm and the subject has not committed a serious or violent crime. The decision to disengage

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should be in consideration of the totality of the circumstances, including supervisory approval and, if available, consultation with Ventura County Behavioral Health Crises Team. In instances where the decision is made to strategically disengage, Ventura County Behavioral Health shall be notified as time allows. This notification should provide the Crisis Team with pertinent information and details for contact at a later date/time when the subject may be more receptive to intervention.

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Simi Valley Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY

It is the policy of the Simi Valley Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander 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.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 SIMI VALLEY POLICE DEPARTMENT FACILITY

If the bomb threat is against the Simi Valley 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.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Simi Valley 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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408.4.3 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.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Simi Valley, 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.

408.5.1 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.

408.6 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 ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
 - 4. MDT's
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:

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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.

408.7 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.

408.7.1 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.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

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- Other government agencies, as appropriate

408.7.3 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.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Mental Illness Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

409.2 POLICY

It is the policy of the Simi Valley Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

409.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

409.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

409.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have the 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 vehicle 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, Supervisory approval is required before transport commences.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

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and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application. [See attachment: 5150 app - VC Version 04.24.20 fillable.pdf](#) An Incident report and CIT card shall also be completed.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.

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- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

409.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Vulnerable Population Detective, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

409.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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409.11 UTILIZATION OF CIT TRAINED OFFICER

Any member of the Department may request a CIT trained officer respond to an incident involving a suspected mentally ill person. CIT trained officers may self initiate their response to an incident possibly involving a mentally ill subject if they believe their presence may be of benefit due to their training.

Cite and Release Policy

410.1 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.

410.2 POLICY

It is the policy of the Simi Valley 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.

410.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

410.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

410.3.2 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.

410.4 NON-RELEASE

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410.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

410.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

410.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander or supervisory approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

410.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Simi Valley City codes

410.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Simi Valley Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Simi Valley 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.

411.3 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.

411.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

411.5 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.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

412.2 POLICY

The Simi Valley Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

412.4 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.

412.5 PLANNING

The Field Services Assistant Chief should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (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.

412.6 TRAINING

The Training Coordinator should include rapid response to critical incidents in the training plan.

This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - (a) This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Simi Valley Police Department relating to immigration and interacting with federal immigration officials.

414.2 POLICY

It is the policy of the Simi Valley 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.

414.3 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.

414.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

414.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

414.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

414.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to

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an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

414.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

414.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

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414.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

414.7.2 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

414.7.3 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Detective Bureau supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Bureau Policy).

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

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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)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Services Division Deputy Chief. The Deputy Chief will confer with the Detective Bureau supervisor assigned to oversee the handling of any related case.

The Police Department shall only review Visa requests on cases that were not submitted to the District Attorney's Office for review/filing or which the District Attorney's Office declined to prosecute.

Visa requests for cases that were filed or prosecuted by the District Attorney's Office shall be returned to the requesting party with instructions that the request be submitted to the District Attorney's Office.

The Deputy Chief may confer with the City Attorney on whether to approve the request for a U-Visa.

414.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

414.8.2 REPORTING TO LEGISLATURE

The Detective Bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

414.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

414.9 TRAINING

The Training Coordinator should ensure that all appropriate members receive training on immigration issues.

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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.).

Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

415.1.1 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.

415.2 POLICY

It is the policy of the Simi Valley Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 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).

415.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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Aircraft Accidents

415.5 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)

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the City of Simi Valley 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 SVPD 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.

415.8.1 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.

415.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

415.9 MEDIA RELATIONS

The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training Officer Program

416.1 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 Simi Valley 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.

416.2 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.

416.2.1 SELECTION PROCESS

The qualifications for eligibility to promote to Senior Officer shall be at the discretion of the Chief of Police.

416.2.2 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.

416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor(s) should be selected from the rank of sergeant by the Field Services Assistant Chief or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program

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- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

416.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Simi Valley Police Department who has successfully completed a POST approved Basic Academy.

416.5 REQUIRED TRAINING

Entry level and lateral officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 18 weeks (11 CCR 1004; 11 CCR 1005).

The training period for an officer may be modified depending on the trainee's demonstrated performance and level of experience..

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.

416.5.1 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 Simi Valley 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 Simi Valley Police Department.

416.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

416.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

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416.6.2 FIELD TRAINING SUPERVISOR/COMMANDER

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

416.6.3 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.

416.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Air Support

417.1 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.

417.2 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.

417.2.1 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 Ventura County Sheriff's Department and request an ETA. If the ETA provided is too long to be effective, contact with the LAPD or Burbank Police Department can be made.

417.2.2 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.

Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

418.2 POLICY

The Simi Valley Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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418.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Simi Valley Police Department to strengthen community involvement, community awareness, and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

418.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

418.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

418.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be electronically attached to an associated Street Check, General Offense, Arrest Booking, Supplemental or Follow-Up in MRE (Mobile Report Entry). Alternately, if photographs are taken and not attached in MRE (Mobile Report Entry) they must be transferred to the digital evidence management system currently deployed by the Simi Valley Police Department. For tracking purposes, all photographs will have at minimum, a corresponding CAD call number or General Offense number associated with the photograph within the digital evidence management system. Photographs taken, but not attached within an MRE event, must be documented on a General Offense report, Street Check, or Supplemental. The narrative will indicate the fact that photographs were taken and subsequently uploaded for digital storage.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor.

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The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

418.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Simi Valley 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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419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Simi Valley Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY

The Simi Valley 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.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, street check, 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 Bureau. Any supporting documentation for an entry shall be retained by the Records Bureau in accordance

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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 Bureau are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

419.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

419.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

419.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Unit, but should be copies of, or references to, retained documents such as copies of reports, street checks, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 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.

419.5 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:

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- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

419.6 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.

419.7 CRIMINAL STREET GANGS

The Detective Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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419.8 TRAINING

The Training Coordinator should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

419.8.1 SHARED GANG DATABASE TRAINING

The Training Coordinator should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

Watch Commanders

420.1 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 Commander heads each watch.

420.2 DESIGNATION AS WATCH SUPERVISOR

When a Commander is unavailable for duty as Watch Commander, in most instances the senior qualified Sergeant shall be designated as Watch Supervisor. This policy does not preclude designating a less senior Sergeant as a Watch Supervisor when operational needs require or training permits.

Mobile Data Terminal Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

421.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

421.3 POLICY

Simi Valley Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

421.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case should an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify 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.

The AVL system (Geo based locator) shall not be made inoperative by any officer.

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421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

421.7 MDT AUDITS

Definition :

An "audit" will consist of a sampling of all MDT messaging during two 24 hour periods (midnight to midnight) during a one week period, with three calendar days between each 24 hour period with the intention of obtaining sample messages to cover all possible work schedules. The audits will cover messaging of civilian and sworn employees.

Frequency :

Audits will be conducted no less than three times and no more than six times annually. Audits will be random and unannounced. The Chief of Police shall assign a management level employee to conduct the audit.

Employee Notification :

Employees, sworn and civilian, will be notified at the conclusion of each audit that an audit was conducted and the results of the audit. This should include notification of violations of the MDT policy to any involved parties and may include notification to all employees who were found to be in compliance.

Employees found to be in violation of this policy may receive a verbal or written warning (Comment Card or Supervisor-Employee Dialogue Report) for minor infractions or formal discipline for severe or repeated violations.

Audit Results :

A memorandum shall be prepared to the Chief of Police outlining the audit results.

Investigations :

Any violation that could result in formal discipline should require a Special Investigation (SI) be conducted.

The specific focus of an individual employee should not be conducted without the initiation of a Special Investigation (SI).

Portable Audio/Video Recorders

422.1 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 Simi Valley Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.2 POLICY

The Simi Valley Police Department may provide members with access to portable audio recorders, for use during the performance of their duties. The use of portable audio recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

422.3 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.

422.4 MEMBER RESPONSIBILITIES

Members should document the non-existence of an audio 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 or the lack of a recording, such as not being used during investigational purposes or during certain privacy issues.

422.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio recording device as soon as practicable when the device may have captured an incident involving a significant use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

Once downloaded, the involved officer(s) and their representative(s) may review the recording(s) prior to any report(s) being written or statement or testimony being provided.

422.5 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:

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- (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.

422.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

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 lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

422.5.2 CESSATION OF RECORDING

Once activated, the portable audio 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).

422.5.3 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.

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422.6 PROHIBITED USE OF PORTABLE AUDIO RECORDERS

Members are prohibited from using department-issued portable audio 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 audio 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.

Members are prohibited from using personally owned recording audio devices while on-duty without the express consent of the Chief of Police or his/her designee. 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.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

Other prohibited uses include but are not limited to:

In a hospital where a patient's physical or mental health or condition is being discussed.

422.7 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.

422.8 REVIEW OF RECORDINGS

When preparing written reports, members should review their audio recordings, or the audio recording of other officers who were on scene, as a resource. However, members shall not retain

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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 continue to prepare reports in the same manner as prior to the implementation of this camera system. Members should not substitute "refer to audio" for a detailed and thorough report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct where an SI number has been assigned or reports of meritorious conduct to assist with commending an officer's performance. A supervisor may review a recording to mitigate a citizen complaint upon intake without the assignment of an SI number.

Supervisors shall not review recording for the sole purpose and intent of searching for violations of Department policy or law not related to a specific complaint, incident, or pattern of behavior.

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) In compliance with a Public Records Act 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.

422.9 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.

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- (g) Maintaining logs of access and deletions of recordings.

422.10 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an officer
- (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 an officer or the Simi Valley Police Department

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 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

422.10.1 RELEASE OF AUDIO RECORDINGS

Requests for the release of audio recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Medical Marijuana

423.1 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.

423.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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Medical Marijuana

423.2 POLICY

It is the policy of the Simi Valley 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 Simi Valley Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

423.3 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.

423.3.1 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.

423.3.2 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.

423.3.3 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).

423.3.4 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.

423.3.5 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).

423.3.6 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).

423.4 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.

423.5 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

The Property and Evidence Unit 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 Unit 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 Unit 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 Unit supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Bureau supervisor.

Bicycle Patrol Unit

424.1 PURPOSE AND SCOPE

The Simi Valley Police Department has established the Bicycle Patrol ancillary assignment 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.

424.2 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 supervisor and the Watch Commander.

424.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to the Commander managing the Bicycle Patrol program. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Bicycle Patrol program Commander and Sergeant. Interested personnel shall be evaluated by the following criteria:

- (a) Interview
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as an enforcement tool.
- (e) Willingness to ride when requested.

424.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol supervisor will be selected from the rank of sergeant by the Field Services Assistant Chief or his/her designee.

The Bicycle Patrol 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 Field Services Division.

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- (f) Other activities as required to maintain the efficient operation of Bicycle Patrol deployments.

424.4 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 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 during each six-month range qualification period.

424.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

424.6 CARE AND USE OF PATROL BICYCLES

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, 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.

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Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be 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.

424.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

Foot Pursuits

425.1 PURPOSE AND SCOPE

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

425.1.1 POLICY

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

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

425.2 DECISION TO PURSUE

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

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

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

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

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

- (a) Containment of the area.

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- (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.
- (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.

425.3 GENERAL GUIDELINES

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

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.

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- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

425.4 RESPONSIBILITIES IN FOOT PURSUITS

425.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

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

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

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

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

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

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425.4.2 ASSISTING OFFICER RESPONSIBILITIES

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

425.4.3 SUPERVISOR RESPONSIBILITIES

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

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

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

425.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

425.5 REPORTING REQUIREMENTS

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

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.

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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 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.

425.6 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.

Automated License Plate Readers (ALPRs)

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

426.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Simi Valley Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigation Division Assistant Chief.

426.2.1 ALPR ADMINISTRATOR

The Investigation Division Assistant Chief shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

426.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.

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- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

426.4 DATA COLLECTION AND RETENTION

The Investigation Division Assistant Chief is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

426.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Simi Valley Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

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For security or data breaches, see the Records Release and Maintenance Policy.

426.6 POLICY

The policy of the Simi Valley Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

426.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - (a) The name of the agency.
 - (b) The name of the person requesting.
 - (c) The intended purpose of obtaining the information.
- (b) The request is reviewed by the Investigations Division Assistant Chief or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

426.8 TRAINING

The Training Coordinator should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Homeless Persons

427.1 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 Simi Valley Police Department recognizes that members of the homeless community are often in need of special protection and services. The Simi Valley 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.

427.1.1 POLICY

It is the policy of the Simi Valley 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.

427.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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427.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

427.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

427.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

427.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

427.6 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.

Public Recording of Law Enforcement Activity

428.1 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.

428.2 POLICY

The Simi Valley 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.

428.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

428.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

428.5 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.

428.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Crisis Intervention Incidents

429.1 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.

429.1.1 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.

429.2 POLICY

The Simi Valley 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 Ventura County mental health professionals to develop an adult and juvenile protocol to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

429.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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429.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Commander and/or Sergeant to collaborate with county mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

429.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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429.6 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.

429.7 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.

429.8 SUPERVISOR RESPONSIBILITIES

A supervisor should consider responding to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Where warranted, conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Assistant Chief.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

429.9 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.

429.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the currently agreed to County protocol.

429.10 VETERAN'S OUTREACH IN CRISIS EVENTS (V.O.I.C.E.)

The Simi Valley Police Department utilizes Crisis Intervention Team (CIT) members in calls for service involving persons with a known or suspected mental health disorder. The Simi Valley Police Department recognizes as well that veterans of our military often suffer from mental health issues related to their service such as Post Traumatic Stress Disorder (PTSD). Because of this, CIT has specially trained officers who are veterans of the United States military, and when feasible, they are utilized when the person in crisis is a veteran. This collateral assignment within CIT is called V.O.I.C.E. (Veteran's Outreach In Crisis Events).

- (a) Criteria for VOICE deployment
 1. Suicidal or emotionally disturbed subjects in crisis who present a potential for harm to themselves or others and is a veteran of the military.
 2. Any other incidents the Watch Commander may deem appropriate where a VOICE trained officer may be available.
 3. Any member of the Police Department may initiate a request for a VOICE member by contacting SVPD Communications or the Watch Commander.

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(b) Communications (Dispatcher) Procedure

1. On Calls involving persons with a known or suspected mental health disorder in crisis or involved in a disturbance and it is determined they are a veteran; dispatchers will use the following criteria when creating a call for service.
 - (a) Crisis related calls where individuals pose a risk to themselves or others, or who are in psychological or emotional crisis and are veterans.
 - (b) Mental health disorder illness has precipitated a response by law enforcement officers.
 - (c) The dispatcher will initiate or update the call with supplemental information indicating that a CIT-VOICE member is needed.
 - (d) The dispatcher will assign a VOICE member to the call if available and working.
 - (e) If no VOICE member is available, the dispatcher will assign a trained CIT officer, or another patrol officer if a CIT-trained officer is not available.
 - (f) The dispatcher is responsible for entering "VOICE" in the call narrative as soon as it appears as though it is a CIT-VOICE related incident.

(c) VOICE Personnel Response

1. VOICE members that respond outside their beat are responsible for CIT VOICE-related issues only. Officers in the requesting beat shall be responsible for the initial report and investigation, including any 5150 application.
 2. Functional supervision of the VOICE member rests with the on-duty supervisor.
 3. If the person suffering from a mental health emergency is a victim of a crime, the primary unit has the discretion to request a VOICE member to respond to assist.
 4. Handling officers are responsible for completing a CIT event summary for each contact and any necessary reports, unless otherwise agreed upon by responding officers or if directed by a supervisor.
- (d) Any contact with a person who suffers from a mental health disorder who is a veteran requires completion of a CIT event summary, whether or not a VOICE member responds. If no VOICE member is working at the time a VOICE trained officer is requested, then a CIT trained officer will handle the call. At the conclusion of the call, the officer will send an email to the VOICE sergeant with the name and contact information of the veteran. The VOICE sergeant will delegate follow-up to a VOICE member. The follow-up will consist of communication between the veteran and a VOICE member to ensure a smooth transition to appropriate services.

429.11 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian 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.

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- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

429.12 EVALUATION

The Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department responses to these incidents is conducted annually. This analysis may be done at the County level. 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.

429.13 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).

Suspicious Activity Reporting

430.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

430.1.1 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.

Incident Report - A report that can be used to document suspicious activity.

430.2 POLICY

The Simi Valley 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.

430.3 RESPONSIBILITIES

The Detective Bureau Commander and authorized designees will manage reported suspicious 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 Detective Bureau 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 reported suspicious 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).

430.4 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 civilian 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 complete an incident report and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in an incident report and not included in the original incident report. The report number of the original incident should be included in the incident report as a cross reference. An incident report should be processed as any other incident report.

430.5 HANDLING INFORMATION

The Records Bureau will forward copies of suspicious activities incident reports, in a timely manner, to the following:

- Detective Bureau supervisor
- Crime Analysis personnel
- Other authorized designees

First Amendment Assemblies

431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY

The Simi Valley 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.

431.3 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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431.3.1 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.

431.4 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.

431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 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).

431.5.2 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.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

431.6 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.

431.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

431.8 ARRESTS

The Simi Valley 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).

431.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

431.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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431.10 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.

431.11 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)

431.11.1 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.

431.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

431.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable

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to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

431.13.1 USE SUMMARY

The Field Services Assistant Chief or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

Civil Disputes

432.1 PURPOSE AND SCOPE

This policy provides members of the Simi Valley 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.

432.2 POLICY

The Simi Valley 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.

432.3 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.

432.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

432.4.1 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.

432.5 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.

432.6 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.

Medical Aid and Response

433.1 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.

433.2 POLICY

It is the policy of the Simi Valley Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

433.3 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 extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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433.4 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.

433.5 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.

433.6 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 Electronic Control Devices policies.

433.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Field Services Assistant Chief 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.

433.8 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).

433.8.1 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 Coordinator who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

433.8.2 AED REPORTING

Any member using an AED should complete an incident report detailing its use.

433.8.3 AED TRAINING AND MAINTENANCE

The Commander/Supervisor assigned to handle First Aid training 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 First Aid Commander or their designee 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).

433.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

The department's Naloxone Program is operated in coordination with the Ventura County Emergency Medical Services Agency and in compliance with the Simi Valley Police Department Naloxone Procedures and Protocols [See attachment: SVPD Naloxone Procedure- Protocol.pdf](#).

433.9.1 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The First Aid Program Manager or designee shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

433.9.2 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).

433.10 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

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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.

433.11 FIRST AID TRAINING

The Training Coordinator 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).

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Simi Valley Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) and the Crossroads traffic data system is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors (PCF's)

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations. Officers are strongly encouraged to document a warning on a Traffic Warning Card, Field Interview Card or via the MRE system.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer should issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented

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by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests will be issued to each member and shall be maintained in such a manner to be ready to be deployed while on duty.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Simi Valley 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 Traffic Bureau Manager will be responsible for distribution of the Collision Investigation Manual. The Traffic Bureau Manager will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System/Crossroads system. The Traffic Bureau Manager will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Division Assistant Chief, or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY OWNED 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 appropriate Assistant Chief.

Photographs of the collision scene and vehicle damage shall be taken.

501.4.2 INVESTIGATION OF OFFICER INVOLVED COLLISIONS

The California Highway Patrol will be requested to investigate any significant injury traffic collision involving on duty sworn members and all collisions stemming from a police pursuit that results in injury or death. On duty Traffic personnel, or in their absence Patrol personnel should respond to the scene to provide preliminary scene management, initial investigation, medical assistance, traffic control, and provided preliminary resource requisition pending arrival of CHP personnel. Once CHP personnel assume control of the scene and investigation of the incident, department personnel will remain on scene and function as a liaison for the CHP.

All injury accidents involving on-duty police personnel will be documented using the "Investigation" format and non-injury accidents will be documented using the "Report" format. Both the Report format and Investigation format are outlined in the CHP Collision Investigation Manual.

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Non-injury accidents involving on-duty personnel, which take place on City property (Off-highway incidents), and only involve damage to City property, will be thoroughly documented on a City Incident Report.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Bureau Manager or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or other city employee where a serious injury or fatality has occurred.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved or a hit-and-run violation. 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)
- (c) When a report is requested by any involved driver
- (d) When an involved vehicle requires towing due to significant damage or loss. Officers should consider the damage to the vehicle / property more than the mere fact it is being towed from the scene.

501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Bureau Manager to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Bureau Manager, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

501.6 COLLISION REVIEW BOARD

Each Department Member, while driving a City owned vehicle, that is involved in a traffic collision, is entitled to a "Collision Review Board". This board, organized by the Traffic Bureau Commander as needed, will review the facts of the collision and make a determination of which involved party is at fault. The determination of the Collision Review Board is final. (See Traffic Bureau Order 1010 for details)

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 Simi Valley Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard abandoned on the roadway, (Vehicle Code Section 22669(d)), or the registration meets any of the conditions of Vehicle Code Section 22651 (o) (1) (A) / (B) / (C)) it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete an accurate storage report utilizing established RMS Versadex MDT / MRE procedures or if RMS is not available to the employee, a paper CHP Form 180 shall be used to accurately record all required information (Vehicle Code § 22850). The storage report(s) should to be submitted to the Records Bureau as soon as practicable after the vehicle is stored. A supervisor may allow the use of a paper CHP 180 on a case-by-case basis.

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 dispatched based upon the area of the City where the collision occurred and the towing contracts between the Tow Companies and the Department.

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 appropriate towing garage for the City of Simi Valley based upon the current towing contracts. The officer will then store the vehicle using the previously described procedures. .

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).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages. Officers shall document in their ensuing reports the responsible party was informed of this fact.

502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

502.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.6 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

The specified towing company is determined by contract and is generally based upon the location within the city where the vehicle is being towed from.

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502.2.7 RECORDS BUREAU RESPONSIBILITY

The Watch Commander or supervisor shall promptly approve the storage forms in MRE and forward the forms to the Records Bureau for processing. Records personnel shall promptly enter pertinent data from the completed storage form(s) into the Stolen Vehicle System (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-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

The City of Simi Valley periodically selects a firm(s) to act as the official tow service and awards a contract to that firm. This firm(s) will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed in the vehicle storage report. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

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502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

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 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

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requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

502.7 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Simi Valley 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 email / facsimile copy within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Bureau Manager will generally serve as the hearing officer; however, either Traffic Sergeant may hold the hearing. The only limitation on the hearing officer is the fact he/she must not be the original party who ordered the tow. The person requesting the hearing may record the hearing at his/her own expense.

All hearing requests shall be made in writing by using the SVPD Impound Hearing Request form, which is available on the Police Department website, the Records Bureau or from the front desk. The form is also available in Spanish. Hearings are conducted at specific days/times and are not spontaneous. Department personnel responsible for hearings need time to review relevant reports prior to determining whether a vehicle should be released. The requestor may have a hearing in person if scheduled with the hearing officer, by telephone or by email.

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.

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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 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 Assistant Chief. The hearing officer will recommend to the appropriate Assistant Chief that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

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 Simi Valley 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.

The Traffic Bureau Manager will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

The Traffic Bureau Manager should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2 BREATH SAMPLES

The Traffic Bureau Manager should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Bureau Manager.

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

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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 SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

504.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

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 (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video if practicable.

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- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.7 RECORDS BUREAU RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.8 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.9 TRAINING

The Training Coordinator 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 Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

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504.10 ARREST AND INVESTIGATION

504.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Traffic Bureau Manager shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

505.4 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a completed correction form requesting a specific correction to his/her immediate supervisor. The citation and correction form shall then be forwarded to the Records Bureau. The Records Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.5 DISPOSITION OF TRAFFIC CITATIONS

All traffic citations issued by members of this department shall be reviewed by the employee's immediate supervisor. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Bureau.

505.6 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

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505.6.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the City Hall Customer Service Desk, 2929 Tapo Canyon Road. These requests are informal written statements outlining why the notice of parking violation should be dismissed.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

505.6.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

505.6.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in

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addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

505.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign a Police Service Assistant (PSA) or another available officer to respond for assistance as soon as practical.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair, although doing so may cause paint transfer damage to the motorist's vehicle which may lead to a claim against the City for damage.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Simi Valley City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Simi Valley Municipal Code 7252 / 7260 and Vehicle Code § / 22651(k).

507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Simi Valley 72-Hour Parking Ordinance shall be marked and noted on a Simi Valley Police Department Warning Notice of Illegal Parking Card. No case number is required at this time.

Digital photographs shall be taken documenting the parked location of the vehicle. The back of the Warning Notice of Illegal Parking Card should include a diagram and/or notes of the violation scene. Valve stem(s) orientation can be used for evidence to show movement or continued non-movement of the vehicle. Valve stem orientation(s) should be documented on the tire(s) template on the back of the Warning Notice of Illegal Parking Card in addition to digital photographs. All markings shall be noted on the Warning Notice of Illegal Parking 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 a Warning Notice of Illegal Parking attached to the vehicle at least 72 hours prior to removal or by leaving a Notice of Illegal Parking, (Citation), attached to the vehicle at least 24 hours prior to removal.

All Warning Notices of Illegal parking Cards documenting 72-hour parking violations shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved during a 72-hour investigation period, the vehicle may be marked and monitored again for the 72-hour parking violation and documentation of a Warning Notice of Illegal Parking Card should be completed and forwarded to the Traffic Bureau for computer data entry.

A Notice of Illegal Parking,(citations) may also be issued for violating the 72-hour parking ordinance on a rolling 72-hour timeline including the day the vehicle is stored for the 72-hour parking violation.

507.2.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Warning Notice of Illegal Parked Cards.

Police Service Assistants (PSA's) assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Warning Notice of Illegal Parking Cards.

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507.2.2 VEHICLE STORAGE

Any vehicle in violation may be stored by the authorized towing service and a vehicle storage report shall be completed by the Officer or PSA authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Simi Valley 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 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 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 Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

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5. Collect any evidence.
 6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Assistant Chief or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Detective Bureau Assistant Chief is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 3. Training requirements necessary for those authorized employees.
 4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 5. Process and time period system audits.
 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

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600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Simi Valley Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the city to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Detective Bureau supervisor should provide the Records Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Bureau Policy for additional guidance.

600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Detective Bureau supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

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600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Detective Bureau supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Bureau for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Bureau Policy for additional guidance).

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Simi Valley Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 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 Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 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.

601.7 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.

601.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.7.2 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).

601.8 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 (Penal Code § 680).

601.8.1 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, SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned the Crime Scene Investigator shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should indicate whether the kit was sent to the Ventura County Sheriff Forensic Lab for testing, preservation, or the reason why the kit was not being tested by the Lab. It is the responsibility of the VSO Forensic Lab to ensure that the results of any test(s) have been entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

It is the responsibility of the VSO Forensic Lab to handle all updates to the SAFE-T database due to delays in testing for the 120 day requirement (Penal Code § 630.3).

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.

601.8.2 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) Sexual assault victims shall further have the following rights (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 - 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.8.3 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.9 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 Detective Bureau supervisor.

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Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW

The Detective Bureau 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.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

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 Simi Valley Police Department seizes property for forfeiture or when the Simi Valley 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.

602.2 POLICY

The Simi Valley 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 Simi Valley 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.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 - 1. The property subject to forfeiture is legally seized incident to an arrest.
 - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

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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.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Non-cash property seized subject to forfeiture should be booked into the Property Room using the appropriate MRE Property Report. No other evidence from the case should be booked on this form.

Seized cash exceeding \$1,000 (estimated) shall be secured at the scene into a sealed bank bag and transported as soon as practical by a supervisor and officer/detective to the bank. Bank

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personnel will count the cash, generally using an automated machine, and deposit the cash into the City account. The deposit receipt shall be booked into the property room. Seized cash that is estimated to be less than \$1000 may be counted by SVPD personnel and booked directly into the Property Room.

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.

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Unit 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.

602.6 FORFEITURE REVIEWER

The Commander assigned with management oversight of the Department's Narcotic's Unit is responsible for reviewing forfeiture cases. Prior to assuming these 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 stat 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).

602.7 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).

602.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Simi Valley Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the

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flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

602.8 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).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Simi Valley Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Simi Valley Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

Citizen Source - a person who provides information only and does not act under the supervision of a handler and does not expect favorable treatment or money. A citizen source does not fall under the guidelines of this policy.

603.2 POLICY

The Simi Valley Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)

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- (d) The Chief of Police or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Assistant Chief, Detective Bureau supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Simi Valley Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Detective Bureau supervisor. Meeting the informant alone while under nearby surveillance by at least one other officer is acceptable.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The case agent, with supervisory review, shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Detective Bureau or electronically in the Department's Records Management System. The Detective Bureau supervisor and the Commander managing the Detective Bureau shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, the Commander managing the Narcotics Unit, and Detective Bureau supervisor or their authorized designees.

The Investigative Services Division Assistant Chief shall ensure that an audit of the informant files is completed on a periodic basis, but no less than once every three months. If the Detective Bureau supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy.

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603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Detective Bureau supervisor will discuss the above factors with their Commander and recommend the type and level of payment.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments will be paid in cash from a Detective Bureau buy/expense fund.

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- (a) The Detective Bureau supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) An expense form shall be completed to account for the cash removed from the Department's Buy Fund.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

603.6.3 AUDIT OF PAYMENTS

The Detective Bureau Commander shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every month, the Narcotics Unit Commander shall conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

The receipts for cash used during the month, plus the current cash balance, plus any additional cash added during the month, should equal that month's beginning cash balance .

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Blind administration - The completion of a live lineup or photographic identification, where the Officer does not know the identity of the suspect.

Blinded administration - The completion of a live lineup or photographic identification, where the Officer showing the lineup to an eyewitness may know the identity of the suspect, but does not know where the suspect, or his or her photograph, has been placed or positioned in the identification procedure.

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.

604.2 POLICY

The Simi Valley 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.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

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604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

[See attachment: SVPD Photo Lineup Form 12-9-19 \(1\).pdf](#)

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

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.

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In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, blind administration should be used so that the member presenting the lineup is not involved in the investigation of the case, nor does he or she know the identity of the suspect. If the member presenting the lineup knows the suspect, blinded administration should be used. This requires the order of the suspect or photos and fillers to be randomized so the member presenting the the lineup does not know the position of the suspect (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.

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604.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible, 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).

604.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 1. The length of time the witness observed the suspect.
 2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (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.

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

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

605.1.1 DEFINITIONS

Definitions related to this policy include:

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

605.2 POLICY

The Simi Valley 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 Simi Valley Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

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Brady Material Disclosure

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

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

605.7 VENTURA COUNTY LAW ENFORCEMENT COORDINATING COMMITTEE AGREEMENTS

The Simi Valley Police Department, through its participation in the Ventura County Law Enforcement Coordinating Committee, has agreed to abide by the policies negotiated with the Ventura County District Attorney's Office as follows:

[See attachment: Brady-Internal Policy revised 1-31-20-final.pdf](#)

[See attachment: Brady-External Policy revised 1-31-20-final.pdf](#)

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 Simi Valley 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 INCIDENT COMMANDER

The Incident Commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor(s) to determine the risk level of the warrant service.

The Incident Commander 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 Incident Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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 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 involved Bureau Manager. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a

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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 or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the

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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 kept at the ready no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

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.

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Incident 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

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- 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 Incident Commander. The Incident 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 Incident Commander should ensure that members of the Simi Valley Police Department are utilized appropriately. Any concerns regarding the requested use of Simi Valley 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 officers intend to serve a warrant outside Simi Valley Police Department jurisdiction, the Incident Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Simi Valley Police Department when assisting outside agencies or serving a warrant outside Simi Valley 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 Media Relations Policy.

606.12 TRAINING

The Training Coordinator should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

606.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

606.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

Operations Planning and Deconfliction

607.1 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.

607.1.1 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.

607.2 POLICY

It is the policy of the Simi Valley Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 INCIDENT COMMAND

A Commander or Sergeant shall be identified as the Incident Commander (IC) for each warrant service. The IC will complete the risk assessment form(s) to assess, plan and coordinate operations. These forms should provide a process to identify high-risk operations and include the Department's SWAT matrix.

The IC will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The IC will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form(s) and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Incident Commander.

The supervisor and IC 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.

607.4.3 HIGH-RISK OPERATIONS

If the IC, after consultation with the involved supervisor, determines that the operation is high risk, the IC 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. SWAT
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation

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7. Additional surveillance
 8. Canines
 9. Property and Evidence Unit 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.

607.5 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(s) 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.

607.6 OPERATIONS PLAN

The Incident Commander (IC) should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other

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- hazardous materials, the potential for multiple dwellings or living spaces, 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 (SWAT matrix) by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization,, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 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.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The incident commander shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the incident commander 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.

607.8 SWAT PARTICIPATION

If the Incident Commander determines that SWAT participation is appropriate, the IC and the SWAT Commander shall work together to develop a written plan. The SWAT Commander 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 SWAT Commander shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

607.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

607.11 TRAINING

The Training Coordinator should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF 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.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall complete a City Incident report documenting the circumstances that cause the damaged property. The City Incident 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 Fiscal Services Unit.

The Department will not generally replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A City Incident 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. Photos of the damaged property should accompany the City Incident report.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Simi Valley 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- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. 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 PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

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

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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).

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 for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.
 1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment

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or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

- (f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Simi Valley 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.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

701.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.7 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

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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.

701.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information 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.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Fire Extinguisher
- Emergency road flares
- 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

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- 1 Hazardous waste disposal bag
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit

702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles should ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- 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

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall refuel the vehicle at the end of the shift.

702.5 WASHING OF VEHICLES

All units should be kept clean at all times and weather conditions permitting, should be washed as necessary.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles by a Sworn member before going into service. Civilian employees shall also prominently display the "out of service" placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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 Simi Valley to provide assigned take-home vehicles.

703.2 POLICY

The Simi Valley Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during the member's shift, the new vehicle number should be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the "white board" indicating the member's name/ID # and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

703.3.3 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 person, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle should be entitled to any expectation of privacy with respect to the vehicle or its contents, excluding personal items unless otherwise warranted.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Communications Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

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 only during an emergency where the system could reveal an officer's location who is not responding to radio transmissions. However, access to historical data by other than supervisors will require Assistant Chief approval.

All data captured by the system shall be retained in accordance with the City's established records retention schedule.

703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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703.3.8 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.

703.3.9 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.

703.3.10 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.

703.3.11 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed by a Sworn member before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.

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- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Simi Valley 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.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Simi Valley is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Simi Valley may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or an Assistant Chief gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 1. In circumstances when a member has been placed on call by the Chief of Police or Assistant Chiefs and there is a high probability that the member will be called back to duty.
 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
 3. When the member has received permission from the Chief of Police or Assistant Chiefs.
 4. When the vehicle is being used by the Chief of Police, Assistant Chiefs or members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their department authorized firearms and be prepared to perform any function they would be expected to perform while on-duty.

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- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, should be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - (a) If the vehicle remains at the residence of the member, the Department shall have access to the vehicle based on the needs of the department.
 - (b) If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Simi Valley Police Department or while off-duty, an officer should 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.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

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- (b) It is the member's responsibility to ensure that the assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.

703.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor.

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 the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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 department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Assistant Chief within five working days explaining the circumstances.

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.

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 Simi Valley 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.

704.3 PETTY CASH FUNDS

The "Buy Fund" is maintained in the Department's Detective Bureau and is the responsibility of the Detective Bureau Commander.

Each expenditure requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the Detective Bureau Commander.

Every expenditure should be reconciled with a receipt.

Funds should be requested from City Fiscal Services to replenish the cash on hand.

704.4 PETTY CASH AUDITS

The Detective Bureau Commander shall perform an audit no less than once every month. This audit requires that the Commander review the transaction ledger and verify the accuracy of the accounting. The Detective Bureau Commander shall then sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting and forward a written copy of the audit results to the appropriate Deputy Chief. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate audit and involve a command staff member.

A separate audit of the Buy Fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

704.5 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Narcotics Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

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Cash Handling, Security and Management

704.6 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 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

Site Safety Supervisor - A member that has completed Site Supervisor specific training.

705.2 POLICY

The Simi Valley Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Deputy Director of Critical Support and Logistics is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A site safety supervisor may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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705.7.4 SELF-CONTAINED BREATHING APPARATUS

A site safety supervisor may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a site safety supervisor.

705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Coordinator is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Department Utility Terrain Vehicle

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and provide procedures for the safe operation, training, care and use of the Department's Range Utility Terrain Vehicle (UTV) by members of the Simi Valley Police Department.

706.2 POLICY

1. The Department UTV will primarily be used to assist the Departments Range Staff with day to day operations at the range as well as periodic range maintenance.
2. In emergency or pre-planned events under the direction of the Chief of Police, the UTV can also be utilized to provide high visibility police patrol in areas that are difficult to reach with traditional forms of police patrol, search and rescue situations, and natural disasters.
3. The Department UTV can also be utilized at special events, where it will be helpful in maneuvering through crowds, and allows for a faster response time in certain situations.
4. All oversight of the UTV will be coordinated by the Departments Range Sergeant. Any issues or defects with the UTV shall be reported to the Range Sergeant and forwarded to the Fleet Supervisor.
5. The UTV shall only be utilized by Simi Valley Police Department employees who have received proper training in the operation of the UTV.
6. The UTV is to be operated in a safe manner at all times. Unless utilized in an exigent or emergency circumstance, the maximum capacity for occupants will be two (2).

706.3 PROCEDURE

The primary function of the UTV is to assist the Simi Valley Police Department's Range Staff in the movement of heavy equipment, ammunition, training supplies and refuse. The UTV can also be utilized in range site maintenance such as brush clearance and range field grading. In addition to its primary function, the UTV can be utilized as a special method of patrol and can be utilized to perform first line police services if necessary. This vehicle can be utilized both on and off city streets as a method for proactive methods of crime prevention and detection, enforcement in certain situations, community policing functions, natural disasters, and other situations as directed by the Chief of Police.

- (a) The UTV may be utilized at any time throughout the year with permission from the Chief of Police.
- (a) The UTV may be utilized for special events as assigned by the Chief of Police or his designee.
- (a) The UTV will only be utilized by Officers who have been properly trained in the use of the UTV.
- (a) The UTV will be equipped with headlights, a taillight, and reflectors.

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- (a) The UTV will be equipped with a storage box that contains basic medical supplies and other supplies as needed.
- (a) While stored at the Simi Valley Police Range, the UTV will be stored inside a secured “Connex” storage container. When stored at the Simi Valley Police Department, the UTV will be stored in the subterranean garage.
- (a) The UTV will not be used in pursuits.
- (a) The Department UTV shall not be used by any officer who is off-duty.
- (a) The UTV shall not be taken out of the City of Simi Valley without permission from the Chief of Police.
- (a) Prior to utilizing the UTV, each officer shall assure that the vehicle and all of its equipment is in proper working order.

706.4 TRAINING

All operators shall complete the mandated UTV training and familiarization prior to utilizing the vehicle. This training will consist of instruction of the general operation of the UTV, terrain limitations for the UTV, general pre-use inspections, safety equipment review, and a practical evaluation of the driver’s ability to safely operate the UTV driving forward, in reverse, turning, and off camber terrain.

This training will be provided by the Range Sergeant or his trained designee.

Military Equipment

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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707.2 POLICY

It is the policy of the Simi Valley Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

707.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Simi Valley Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

707.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[See attachment: MILITARY EQUIPMENT INVENTORY]

707.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above, with the exception of the purchase of consumable items, which have been previously approved.

707.6 COORDINATION WITH OTHER JURISDICTIONS

This policy recognizes the need for agencies to provide assistance to each other, whether in ongoing combined or regional operations, occasional planned operations, or in exigent circumstances. Where applicable to the provisions of Government Code § 7070 through § 7075, such assisting agencies must comply with their respective military equipment use policies when rendering assistance.

707.6 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

707.7 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

707.9 EXTRAORDINARY CIRCUMSTANCES

This policy also recognizes that there may be very limited or extreme instances where incidents of extraordinary nature could demand the need for incident commanders to authorize Department

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personnel to use equipment not specified in this policy. This decision must be influenced by the totality of the circumstances, including due regard for the public's safety, officer safety, respecting civil rights, the seriousness of the situation, and other information available at that time. Should such extreme instances occur that call for members of this Department to use equipment not specified in this policy, the incident commander shall, if practical, notify the Chief of Police via the chain of command prior to deploying such equipment. Should such circumstances occur, the Chief of Police or his/her designee, shall notify the City Council as soon as practical, and indicate any such uses in the required annual report.

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Communications Bureau

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Bureau. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.1.1 FCC COMPLIANCE

Simi Valley Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

801.2 POLICY

It is the policy of the Simi Valley Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

801.2.1 CAD SYSTEM

It shall be the responsibility of the Call Taker to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident, if not recorded by the handling officer.

801.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

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Access to the Communications Center shall be limited to Communications Bureau members, the Watch Commander, command staff and department members with a specific business-related purpose.

801.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign 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 officer. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

801.4 RESPONSIBILITIES

801.4.1 COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Deputy Director, Critical Support and Logistics or the authorized designee.

The responsibilities of the Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Communication Bureau information for release.
- (f) Maintaining the Communications Center database systems.
- (g) 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.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

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801.4.2 ADDITIONAL PROCEDURES

The Communications Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Transferring calls requiring Emergency Medical Dispatch (EMD) instructions to the Ventura County Fire Department, or appropriate agency.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the 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.

801.4.3 DISPATCHERS

Dispatchers report to the Communications Manager. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - 1. Emergency 9-1-1 lines.
 - 2. Business telephone lines.
 - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 - 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 - 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

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- (c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) If not already monitoring radio traffic notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits.
 - 3. Assignment of emergency response.

801.5 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 five key questions:

- Where?
- What?
- When?
- Who?
- Why?

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.

Dispatchers should be courteous, patient and respectful when dealing with the public.

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801.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander or field supervisor should be notified of pending emergency calls for service when department members are unavailable for dispatch.

801.5.2 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.

801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Simi Valley Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.7 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Property and Evidence

802.1 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.

802.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs, latent fingerprints, audio recordings and body camera footage.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly labeled and placed in the designated property locker or storage room along with the necessary documentation. 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 release (receipt) form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

Simi Valley Police Department employees receiving items classified as found property or safekeeping shall issue a Simi Valley Police Department property receipt (form PD 126) as required by law.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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- (a) Complete the records management system property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's last name and ID number and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number on the top of the packaging along with the property number on the lower left and employee ID number on the lower right. [See attachment: General Evidence Package.JPG](#)
- (e) When the property is too large to be placed in a locker, the item may be retained in the Property Room area in the station's garage. Complete the RMS property record indicating the location of the property.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

Syringes shall be photographed and disposed of using a "sharps" container. The photographs will then be booked and will suffice as evidence for court purposes. Any illegal drug contained in the syringe, if needed for evidence, must be removed and stored into an appropriate container used for booking.

The officer seizing the narcotics and dangerous drugs shall have a supervisor verify the sealing and weight of the package for proper booking documentation. Complete the required property module in the records management system. [See attachment: Narcotics Evidence Package.JPG](#)

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property in the secure area in the station's garage. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Officer is responsible for transferring all ammunition and fireworks dispositioned or booked for disposal to the Bomb Squad, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

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802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Officer, or placed in the designated container for return to the Department of Motor Vehicles.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Officer, or placed in the bicycle storage area until a Property Officer can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

802.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag (or proper labeling) shall be securely attached to the outside of all items or group of items packaged together.

802.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in a property locker, accompanied by appropriate record management system property documentation. Prior to packaging and if the

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quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

If necessary a completed property tag shall be attached to the outside of the container.

802.5 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall receive items secured in the property locker and complete the records management system evidence continuity and storage control. Property personnel shall ensure that all evidence is properly packaged and marked.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property package.

Any changes in the location of property held by the Simi Valley Police Department shall be noted in the storage control section of the RMS property module.

802.6 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information in the storage control section of the property module of the RMS. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the evidence continuity section of the property module in the RMS to maintain the chain of evidence. No property or evidence is to be released without first receiving authorization from a supervisor, detective, officer or authorized personnel.

Request for analysis for blood and urine shall be completed by the case agent or booking employee. All other items requiring analysis shall be completed by the Property Officer or Property Technician within the approved Ventura County Lab request for analysis web based software system. This request may be filled out any time after booking of property or evidence.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, by electronically signing for all items to be transported. This electronic signature process is done in conjunction with the Property Officer or Property Technician.

The Property Officer releasing the evidence must complete the required information within the storage control and evidence continuity section of the RMS. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will

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record the delivery time on the printout, and indicate the locker in which the item was placed or the employee to whom it was delivered.

802.6.3 STATUS OF PROPERTY

Each person receiving property will ensure the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted evidence continuity section, stating the date, time and to whom released.

The Property Officer shall obtain the electronic signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the evidence continuity section of the records management system, indicating date, time, and the person who returned the property.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The case agent or persons designated responsible for the case shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be approved by the authorizing supervisor, officer or detective and must conform to the items listed on the property report or must specify the specific item(s) to be released. Release of all property shall be documented within the records management systems. Any paper forms, should they be generated will be imaged to the case within the records management system.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days, items held for safekeeping shall be retained for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded either electronically or, if a paper document is generated, that paper document shall be imaged and stored within the records management system. After release of

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all property entered within the storage control section all paper documents will be forwarded to the Records Bureau for filing/imaging with the case.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Unit Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, ammunition, or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm, magazine, ammunition or other deadly weapon is/are available for return. At the expiration of such period, the firearm, magazine, ammunition or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The property room personnel 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.

802.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon

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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.

802.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Simi Valley 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.

802.6.11 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.

802.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer/ personnel shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

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802.7.1 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)

802.7.2 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.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Unit Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General

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- (d) Any sexual assault victim
- (e) The Detective Bureau Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Unit Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Detective Bureau Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Detective Bureau Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

802.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted by a Assistant Chief (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

Records Bureau

803.1 POLICY

It is the policy of the Simi Valley Police Department to maintain department records security professionally and efficiently.

803.2 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Simi Valley Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

803.2.1 NUMERICAL FILING SYSTEM

All cases receive a General Order (G.O.) number that is assigned when created in the CAD system. Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

803.3 POLICY

It is the policy of the Simi Valley Police Department to maintain department records securely, professionally, and efficiently.

803.3.1 REQUESTING REPORTS

Generally, reports shall not be printed or removed from the Department and provided to anyone outside the Department without the request being handled by the Records Bureau personnel using the release tracking system in compliance with the Public Records Act. Should a report be provided to a person outside the Department for any reason the requesting employee shall first obtain authorization from the Records Manager.

803.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Simi Valley Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administration Supervisor. The Administration Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administration Supervisor should forward the petition to the Detective Bureau Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Detective Bureau Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

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Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administration Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

803.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Field Services Assistant Chief should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

803.6 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

Restoration of Firearm Serial Numbers

804.1 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.

804.2 PROCEDURE

Any firearm coming into the possession of the Simi Valley Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

The assigned Detective will complete a written request to the Department's Crime Scene Investigator for restoration of the serial number and specific tests to determine if the firearm is linked to any criminal investigation.

The Crime Scene Investigator shall then complete an electronic request for testing and arrange to have the Property Officer submit the firearm to the County crime lab for processing.

804.2.1 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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Restoration of Firearm Serial Numbers

804.2.2 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.

804.2.3 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.

804.2.4 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the assigned firearms Detective(s) 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.

804.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

805.2 POLICY

The Simi Valley Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

805.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying

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- or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
 - (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
 - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.
 - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
 - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
 - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
 - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
 - (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
 - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

805.6 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Bureau supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

805.6.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

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805.6.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

805.6.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

805.6.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

805.7 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, 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.

805.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

805.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

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805.9.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

805.10 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 - 3. Medical information
 - 4. Health insurance information
 - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

805.10.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - 1. The date of the notice.

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2. Name and contact information for the Simi Valley 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 Simi Valley 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 Simi Valley Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

805.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
1. Written notice.
 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Department has an email address for the subject person.

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- (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.

Protected Information

806.1 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 Simi Valley 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.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Simi Valley 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.

806.2 POLICY

Members of the Simi Valley 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.

806.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Simi Valley 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.

806.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

806.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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806.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Computers and Digital Evidence

807.1 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.

807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room or computer lab evidence lockers. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.

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4. If it can be determined, how it was being used.
 - (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should generally not be seized unless as a precursor to forfeiture or are unique and needed to operate the seized equipment.

807.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

807.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

807.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Unit 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.

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- (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.

807.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.
- (d) Attempts should be made to place the seized device in "Airplane mode" to preserve evidence.

807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

807.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Unit 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.

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- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.
- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

807.5.4 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.

Animal Control

808.1 POLICY

It is the policy of the Simi Valley 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.

808.2 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control Officers (ACO) and department members interacting with animals and responding to calls for service that involve animals.

Animal Control Officers are employed by the County of Ventura and provide service to the City of Simi Valley on a contractual basis.

808.3 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy.

Requests for animal control services shall be handled through the Communications Center.

Requests for assistance by the ACO shall be acknowledged and responded to promptly.

808.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

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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, an ACO should be contacted or the animal should be taken to a designated animal care facility.

808.5 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 will be removed and properly disposed of by the ACO.

808.6 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

808.6.1 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 the ACO is not available, the information will be forwarded for follow-up.

808.6.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

808.6.3 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.

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- (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.

808.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

808.8 ANIMAL BITE REPORTS

In cases in which members are investigating an animal bite they should obtain as much information as possible for follow-up by the ACO or by appropriate health authorities. Efforts should be made to capture or otherwise have the animal placed under control by the ACO. Members should attempt to identify and notify the owner of the final disposition of the animal.

808.9 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

808.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle the ACO should be contacted. The Watch Commander or a supervisor should be contacted if the response of the ACO is delayed to determine other available resources, including requesting the assistance of animal control services from an allied agency.

808.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

808.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Simi Valley Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Simi Valley Police Department prior to being released or transported to a housing or other type of facility.

900.1.2 MISSION STATEMENT & PRACTICES

Mission Statement for the Detention Facility

- (a) It is the mission of the Simi Valley Police Department Temporary Holding Facility (THF) to provide constitutional, safe, secure, and humane facilities which will be considered an appropriate place for the temporary detention of persons charged with crimes that require their incarceration. All persons held in the THF must have approval from the Watch Commander.
- (b) The Simi Valley Police Department will meet or exceed the minimum standards established by the California Board of Corrections regarding the operation, staffing and management of the THF.

Type and Practice

- (a) The THF operated by the Simi Valley Police Department is identified by the California Board of Corrections as a "Temporary Holding Facility." This is a facility used for the confinement of inmates for 24 hours or less, pending their release, transfer to another facility, or appearance in court.
- (b) It is the general practice of the Simi Valley Police Department to only hold arrestees for a maximum of six (6) hours in the THF. The Watch Commander must approve any extensions of this time frame.

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Review and Inspections

- (a) The designated Jail Manager will review and update the operations of the THF and update the Manual of Policy and Procedures as the need arises based on current legislation and case law.
- (b) The Watch Commander will inspect the facility at the start of their shift and make notations in the jail log.

Rated Capacity of Holding Cells

- (a) The Facility Administrator has determined the Simi Valley Police Department THF has a capacity of 44 persons. Rated capacity of holding cells: cells #1 through #6, 4 each; cell #7, 12; cell #9 and #10 (minors), 2 each.

Criminal History Information

- (a) Such criminal history information as is necessary for the conduct of facility inspections as specified in 6031.1 and 6029 PC will be made available to the staff of the California Board of Corrections.
- (b) Such information will be held confidential except that published reports may contain such information in a form, which does not identify an individual.

900.2 POLICY

The Simi Valley Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Simi Valley Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

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- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

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900.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

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1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 4. Ensure males and females are separated by sight and sound when in cells.
 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Field Services Assistant Chief will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

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- (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
- (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

900.4.3 CLASSIFICATION AND SEGREGATION PLAN

It is the standard practice of the Simi Valley Police Department to utilize each cell of the Temporary Holding Facility as Single Occupancy cells. In the event that exigent circumstances cause the need to place more than one inmate in an individual cell, the following guidelines should be used to Classify and Segregate the inmates.

Required Separation of Inmates

- (a) No female inmate or minor will be housed in the THF without a female Officer being immediately available. If there are no female Officers available the female inmate will not be housed in the THF.
- (b) Male inmates are to be separated from female inmates at all times while in the THF. Male and female inmates will not sleep, dress, undress, or perform eliminatory functions in the same room with each other.
- (c) No felony offenders are to be housed with misdemeanor offenders.
- (d) If the sex of an inmate is indeterminable at the time of arrest that inmate will not be housed in the THF.
- (e) An inmate who has been identified as serving time in a Federal/County/State Facility should not be placed with an inmate who has never been in jail.
- (f) Gang members will not be placed with non-gang members or with rival gang members.
- (g) Minors will not be placed in the same cell with adult inmates.
- (h) Adults with a large difference in age should not be placed together.
- (i) The Watch Commander may make other segregation and classification decisions as deemed necessary to provide for safety of staff, inmate(s) or to aid in an investigation.
- (j) The above segregation will be accomplished to the extent possible within limits of the available number of cells in the facility.

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Mentally Disturbed Inmates

- (a) An inmate will be considered mentally disturbed if they appear to be a danger to themselves or others or appear gravely disabled.
- (b) Such a mentally disturbed inmate will not be housed at the THF.

Developmentally Disabled Inmates

- (a) Inmates will be considered developmentally disabled if they are disabled due to mental retardation, cerebral palsy, epilepsy, autism, or a combination of these handicaps.
- (b) If it is suspected that an inmate is developmentally disabled, the inmate will not be housed at the THF.

Communicable Diseases

- (a) An inmate with a known communicable disease will not be housed at the THF. The inmate will be transported to the Ventura County Hospital Jail Ward or Juvenile Hall.
- (b) If it is later determined that an inmate with a communicable disease was booked at the THF, and that the disease is AIDS, tuberculosis, hepatitis, or venereal diseases the Watch Commander will immediately notify the County Public Health Services.
- (c) Affected cells will be closed and not used until consultation with the County Public Health Services and sanitized by the custodian.
- (d) Any employee that may have been exposed to the communicable disease will be notified by the Watch Commander. If it is determined that other inmates may have been exposed, the Watch Commander will attempt to notify the potentially affected inmate by telephone or mail. If the inmate is still in custody, that facility will be immediately notified.
 - (a) Response to above will be noted on the jail log.

Administrative Segregation

- (a) Administrative segregation will only be used on those inmates who are prone to escape, or to assault staff or other inmates, or are likely to need protection from other inmates.
- (b) The Watch Commander(s) must approve the use of administrative segregation when they determine it to be necessary to obtain the objective of protecting the welfare of inmate(s) and staff.
- (c) Any inmate that falls under this category will be transported as soon as possible to the Ventura County Jail, or other appropriate facility.
- (d) Minors will not be held in administrative segregation. If a minor requires administrative segregation, that minor shall be transported to Ventura County Juvenile Hall, or other appropriate facility as soon as possible.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

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900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Simi Valley Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Simi Valley Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.

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- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Simi Valley Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

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- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

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900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.5.11 FIRE AND LIFE SAFETY STAFF & FIRE LIFE SUPPRESSION PREPLANNING

Fire and Life Safety Staff

- (a) Pursuant to Penal Code Section 603.3(b), whenever there is an inmate in custody, there will be at least one person on duty in the facility at all times who meets the training standards established by the Board of Corrections for general fire and life safety which relate specifically to the facility.

Fire Suppression Preplanning

- (a) The Simi Valley Police THF will be equipped with smoke detectors and sprinklers in all jail areas. The fire detection equipment will be monitored on a 24-hour basis. A fire extinguisher will be located outside of each entrance to the Jail Facility.
- (b) A fire prevention inspection will be conducted monthly by the Jail Manager. The fire prevention inspection will consist of an examination of all smoke detectors and sprinklers to ensure that they are operational, and an examination of the fire extinguishers to ensure that they are in place and fully charged, and an inspection of the facility for any fire hazards.

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- (c) A biennial fire inspection will be conducted by the appropriate California State Fire Marshall. This inspection will include items found in the monthly inspection reports.
- (d) In the event that an evacuation of inmates is necessary, the inmates will be moved to the transportation van. If this is not feasible, the inmate(s) will be transferred to the Ventura County Jail or Juvenile Hall. Those inmates(s) who can be released without posing a threat to the community will be released. Minors will be released to a parent or guardian.
- (e) A fire evacuation plan will be posted inside of the jail area.

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 cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Simi Valley Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

Generally, arrestees that are pregnant should be transported directly to the Ventura County Main Jail for booking.

- (a) An individual known to be pregnant or in recovery after delivery shall not be restrained, except as provided in Section 3407 PC.
 - 1. PC 3407 (a): An inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting

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the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall be conducted at least hourly through direct visual observation of all inmates. There shall be no more than a 60 minute lapse between safety checks (15 CCR 1027.5).
 1. Safety checks should be at varying times.
 2. All safety checks shall be logged.
 3. The safety check should involve questioning the individual as to the individual's well-being.
 4. Individuals who are sleeping or apparently sleeping should be awakened.
 5. Requests or concerns of the individual should be logged.

900.8.1 USE OF SOBERING CELL

Inmates who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be medically cleared and/or brought directly to an available county booking facility.

900.8.2 NO SOBERING CELL AT SVPD

The Simi Valley Police Department does not have or maintain a sobering cell in its Temporary Holding Facility (THF).

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900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Field Services Assistant Chief will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Simi Valley 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 Detective Bureau Assistant Chief.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Medical Examiner.
- (g) Evidence preservation.
- (h) In-custody death reviews (15 CCR 1046).
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525).

900.9.1 EMERGENCY PROCEDURES

- (a) Escape
 - 1. Immediately notify dispatch and the Watch Commander
 - 2. Call for assistance.
 - 3. Establish a perimeter and search the building and surrounding areas.
 - 4. Establish a command post if necessary.
 - 5. Notify adjacent law enforcement jurisdictions for assistance, as needed.
- (b) Disturbance
 - 1. Immediately notify dispatch and the Watch Commander
 - 2. Call for assistance.
 - 3. Contain the disturbance
 - 4. Set up a command post if necessary.
 - 5. If necessary, release all inmates who do not pose a threat to the local community. Minors must be released to parent or guardian
 - 6. Call adjacent law enforcement jurisdictions for assistance if necessary.
 - 7. Transport involved prisoners to Ventura County Jail or minors to Juvenile Hall.
- (c) Hostages
 - 1. A hostage-taker in a custodial setting is not only desperate but also possibly irrational and certainly dangerous. Only specially trained personnel should attempt to deal with an armed prisoner. The concepts and guidelines established

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in the Critical Incident Management/SWAT and CNT Teams procedures shall be employed in any hostage or barricaded suspect situation in the Temporary Holding Facility. Procedural deviations unique to a holding facility would include:

- (a) Armed Prisoner
 1. Evacuation
 - (a) The alarm bell will not be activated
 - (b) All prisoners who can be safely removed from the holding facility should be relocated to the prisoner transportation van.
 - (c) All personnel who can vacate the area safely shall do so when it is apparent that their immediate presence cannot remedy the situation.
 - (d) The last employee leaving the booking area shall take the jail keys and stand by in the hallway permitting no one to enter the hallway to the booking area without authorization from the Watch Commander / Supervisor.
 2. Notification
 - (a) As soon as possible, the Watch Commander/Supervisor shall be briefed on the situation.
 - (b) The Watch Commander/Supervisor shall immediately order the booking area contained and off-limits to all personnel and no one shall enter without authorization.
 - (c) Depending on the situation, the Watch Commander/Supervisor shall consider the evacuation of adjacent and nearby rooms and offices. Once evacuated, no one shall be permitted to enter these areas without the express authorization of the Watch Commander/Supervisor.
 - (d) The Watch Commander/Supervisor shall cause all jail CCTV monitors to be constantly observed by at least one Sworn Officer or Supervisor to monitor and report developments as they occur.
 - (e) The Watch Commander/Supervisor shall direct deactivation of the booking facility telephone and intercom system. The deactivation switch is located on the south wall in the Dispatch Radio/Computer Room (#280).
 - (f) The Watch Commander/Supervisor shall call in the Special Weapons Team and the Crisis Negotiation Team.
 3. Pending arrival of the Special Teams.
 - (a) The PBX operator shall be instructed not to transfer any calls to the booking area.

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- (b) The Watch Commander/Supervisor shall assign a single individual to communicate with the hostage-taker.
 - (c) Other than the individual assigned by the Watch Commander, no conversation should be initiated with the hostage-taker prior to deployment of the Special Weapons Team and the Crisis Negotiation Team.
 - (d) Emergency Medical Personnel (Fire and Ambulance) shall be notified and requested to respond and stand#by in the parking lot to the front of the Police Station. They may be diverted to another strategic location as the situation develops.
 - (e) The Watch Commander/Supervisor shall notify a Deputy Chief of the circumstances. If unable to notify, the Chief of Police shall be advised.
 - (f) Prior to deployment of the Special Weapons Team and Crisis Negotiation Team, the primary tactical objective should be the containment of the area and restriction of communications by the hostage-taker.
- (b) Unarmed Prisoner
 1. The alarm bell shall be activated as soon as possible.
 2. If more than one Officer is present or available, an immediate effort should be made to physically overpower the prisoner(s) providing that the rescue can be accomplished without compromising the reasonable safety of all personnel.
 3. The first officer responding to the area shall, for personal safety and that of others, leave his/her weapon in a gun locker.
 - (a) The Officer shall determine that it is safe to enter.
 - (b) The Officer shall determine if others may enter, and then signal them to do so.
 4. All hostage-takers shall be booked in the Ventura County Jail.
- (d) Mass Arrests / Civil Disturbance Outside the Police Jail Facility
 1. Immediately notify dispatch and the Watch Commander
 2. Call for assistance
 3. Secure the police building and jail.
 4. Set up a command post
 5. It may be necessary to release all prisoners who do not pose a threat to the community; however, depending on the circumstances outside the facility this may not be possible.

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6. Once the disturbance is contained release all non-violent prisoners after proper identification. Minors must be released to a parent or guardian. Transport all others to the Ventura County Jail or Juvenile Hall.
 7. Call for assistance from surrounding jurisdictional agencies.
- (e) Natural Disaster
1. In the event of a natural disaster, the arresting Officer is responsible for the safety and security of their prisoners or other prisoner's care in the absence or injury of other Officers.
 2. Immediately notify dispatch and the Watch Commander.
 3. Call for assistance.
 4. Treat injured staff, prisoners, and minors.
 5. If necessary, establish a command post.
 6. If necessary, release all prisoners who do not pose a threat to the community after proper identification. Minors must be released to the care of a parent or guardian. When available, transport all others to the Ventura County Jail or Juvenile Hall.
- (f) Emergency Housing Alternative
1. In the event the THF is unusable, the transportation van will be used until the prisoners or minors can be transported to the Ventura County Jail, Juvenile Hall, or released.
- (g) Emergency Suspension of Standards or Requirements
1. The Chief of Police may temporarily suspend any standard or requirement in the event of any emergency, which threatens the safety of our THF, its inmate or staff, or the public. Only such regulations directly affected by the emergency may be suspended. If the suspension lasts longer than three days the Board of Corrections (BOC) will be notified.

900.9.2 MEDICAL AND MENTAL HEALTH SERVICES

- (a) Responsibility for Health Care Services
1. All employees are responsible for immediately notifying the Watch Commander when the need for inmate medical care arises.
 2. The Watch Commander will have the responsibility to ensure provisions of emergency and basic health care services to all inmates in accordance with Minimum Jail Standards (T-15). Department personnel will be responsible for summoning appropriate medical assistance and application of emergency first aid.
 3. Since there are no medical personnel assigned to this facility, the emergency room of the Simi Valley Hospital will be utilized. This hospital has staff on duty at all times to treat injured inmates or minors.

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(b) Medical/Mental Health Procedures Manual

1. Medical aid shall be summoned for ill or injured inmates or minors. Depending on how serious the inmate's condition is the Watch Commander will determine whether the inmate should be transported by ambulance or patrol car to the Simi Valley Hospital emergency room.
2. Inmates or minors requiring prostheses will be transferred to the Ventura County Jail or Juvenile Hall.
3. Inmates or minors having eyeglasses that are medically required should be allowed to retain them unless the glasses present a danger to the inmate or others.
4. Pregnant and/or lactating females, mentally disordered or developmentally disabled inmate(s), inmate(s) in need of special medical programs (including diets), inmate(s) known or suspected of having communicable diseases and inmate(s) requiring medication will be transported to the Ventura County Jail or Juvenile Hall.
5. Information regarding an inmate known to have medical/mental problems shall be disclosed to the receiving agency. This will facilitate the proper health care and segregation of the inmate at that facility.

(c) Medical Receiving and Screening

1. A medical screening will be completed on all inmates and minors at the time of intake and will include but not be limited to medical and mental health problems, developmental disabilities and most communicable diseases.
2. Officers will use the department approved medical screening form.

(d) Transfer to Treatment Facility

1. A mentally disordered inmate or minor who appears to be a danger to himself or others, or to be gravely disabled will be transferred to a medical treatment facility designated by the county and approved by the State Department Of Mental Health for diagnosis and treatment.
2. An inmate or minor found unable to be cared for adequately within our THF will be transferred to a designated treatment facility as soon as possible.

(e) Detoxification Treatment

1. Detoxification will not be provided within the facility.
2. An inmate or minor requiring detoxification treatment will be sent to the Ventura County Jail or Juvenile Hall.
3. An inmate or minor undergoing withdrawal reactions will be transferred to an appropriate medical facility without delay.

(f) Inmate Deaths (See 900.16)

(g) Suicide Prevention Program

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1. Upon admitting inmates or minors to the THF, it is important to always be alert for those individuals that may exhibit signs of potential suicide. Generally, persons at risk include:
 - (a) Prominent persons charged with embarrassing crimes.
 - (b) Persons held for alcohol or drug-related charges.
 - (c) All minors held in temporary custody.
 - (d) Persons with a history of self-destructive behavior.
 - (e) Individuals who state their intention of suicide.
 - (f) Individuals who appear depressed, isolated.
 - (g) A female who has given birth within the past year, and is charged with the murder or attempted murder of her infant child.
 - (h) Persons who have visible scars on their wrists, or elsewhere, indicating prior suicide attempts.
 - (i) Inmates exhibiting suicidal behavior shall be transported to Ventura mental health facility or Ventura County Jail.
 - (j) Minors exhibiting suicidal behavior shall be transported at once to the Ventura Juvenile Hall, Behavioral Health Department or another appropriate facility.
2. Important Facts
 - (a) Approximately 25% of jail suicides occur within the first three (3) hours of incarceration.
 - (b) Intoxication increases the possibility of suicides..
 - (c) Any indication that an inmate lacks the ability to cope with incarceration indicates a risk of suicide. If this is indicated the Watch Commander will be immediately notified.
 - (d) Many times the officer's positive and reassuring verbal interaction and availability will be enough to get the inmate over the initial crisis of incarceration.
- (h) First Aid Kit
 1. The First Aid Kit is located in the booking area. This area shall be marked "First Aid Kit."
 2. The First Aid Kit will consist of items recommended by the Facility Administrator.
 3. The contents of the First Aid Kit will be checked during the monthly inspection of the facility by the Jail Manager.
- (i) Vermin Control
 - (a) Any vermin-infested inmate or minor being booked into this facility will be brought to the immediate attention of the Watch Commander. Such inmate or minor will

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be taken to the Ventura County Jail or Juvenile Hall. Under no circumstances will a vermin-infested inmate or minor be placed in a cell with another inmate.

- (b) It is not unusual for an officer to observe what appears to be a lice infestation of an inmate during processing or subsequent to placement in a cell. The most common observation will involve adult lice and/or nits (eggs) on the scalp or other hairy portions of the body. Lice can also be found on the clothing, particularly along the seams of inner surfaces.
- (c) The three types of lice most commonly found in detention environments are the head louse, the body louse, and the crab (pubic) louse. The crab louse may be observed in the pubic area and, in some cases, the eyebrows and eyelashes. It is also possible for some forms of mites to be present on an inmate, including scabies. Lice do not jump, but transfer by direct contact with the person, clothing or other personal belongings.
- (d) Should the facility and/or equipment be contaminated by an inmate, the contaminated cell(s) will be posted with a "contaminated" sign. The contaminated cell(s) or area(s) will be brought to the attention of the custodian. The cell(s) or area(s) will not be used until after being thoroughly cleaned by the custodian.
- (e) The custodian will treat the infested area(s) and equipment with a non-toxic pesticide, such as Pyrethrin. After treatment, all area(s) and equipment should be thoroughly cleaned. If vermin infestation is heavy, the services of a licensed pest control contractor may be utilized.
- (f) Any articles such as sheets, blankets, and mattresses that the inmate(s) came in contact with should be sealed in the plastic bags provided. Other items in the cell(s) such as toilet paper, magazines, etc., should be sealed in a plastic bag and disposed of in the outside dumpster.
- (g) Should an employee become infested with lice, there are two over-the-counter pediculicides available at most pharmacies. The shampoos are "Pyrinate A 200" and "R.I.D."
- (h) If the officer's clothing becomes infested with lice, the clothes should be dry cleaned or washed in detergent and water at a temperature of 140 degrees. Commercial products such as "Silox" and "DriCode" are available at hardware stores to delouse clothing.

900.9.3 INJURED OR ILL PRISONERS

A prompt determination shall be made of the extent of injury or illness of prisoners and appropriate medical care shall be given or requested of emergency or professional medical personnel.

(a) Non-Booked Prisoners

1. Persons arrested and taken into custody by members of this department who are in need of emergency medical care shall be transported to an appropriate medical facility for treatment prior to being brought to the Temporary Holding Facility.

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2. If the prisoner is to be transported to County Jail, notations shall be made on the appropriate County forms, detailing the injury, illness, or complaint of pain, along with what treatment or medication has been given to the prisoner.
- (b) Prisoners Injured While in Custody
- (a) Any prisoner injured or who becomes ill while in custody of this department shall be given immediate medical attention.
 - (b) As soon as practical, the Watch Commander/Supervisor shall be summoned or advised of the prisoner's condition.
 - (c) The Officer discovering the incident or circumstances should determine if the injury was at the hands of another; in which case, an investigation shall be initiated.
 - (d) The Watch Commander/Supervisor, after assessing the situation, shall determine if emergency care should be summoned or if department personnel should transport the prisoner to a medical facility and what type of an investigation should be documented.
 - (e) Where injury is the result of a slip or fall, the cell or area of occurrence shall be sealed off as quickly as possible, until it is determined by the Watch Commander/Supervisor if Detective Bureau personnel shall be called for photographs. The incident shall be documented on the appropriate arrest or incident report. The Watch Commander/Supervisor shall cause the City's Risk Manager to be notified.
- (c) Attempt Suicide
1. Where injury has occurred as a result of a suicide attempt, the prisoner shall be properly restrained so as to avoid another attempt at injury or death.
 2. Emergency medical personnel (Fire and AMR) shall be summoned or two Officers shall transport the prisoner to a Ventura County medical facility for treatment and evaluation, whichever is more practical.
 3. After medical treatment and evaluation, the prisoner shall be transported to County Jail if unable to bail or does not qualify for O/R release.
 4. Deputies at the County Jail shall be advised of the attempted suicide, its nature, and what medical treatment or advice was given at the hospital.
- (d) Reports
1. Pursuant to Penal Code Section 6030 and California Administrative Code Title 15, Section 1044, all incidents occurring within the jail facility that result in physical harm, or serious threat of physical harm, to an employee or inmate shall be documented.
 2. Documentation of all incidents shall be prepared and submitted through the department's Records Management System (RMS) within twenty-four (24) hours with notification made to the Jail Manager.
- (e) Medication

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- (a) No medication shall be given to prisoners from unlabeled containers.
- (b) Before any medication is given to a prisoner from a labeled container, the following shall be done:
 - (a) Determine if the label bears the prisoner's name, the name of the medication, and its strength.
 - (b) The medication in the container shall be compared to that illustrated in the Physician's Desk Reference in order to verify the accuracy of the medication and the label.
 - (c) If the prisoner insists that he/she will be in medical danger if he/she does not take the prescribed medicine, the Officer(s) having custody of the prisoner shall cause the prisoner to be transported to and examined by medical personnel at the emergency room or at the Ventura County Jail. The custodial Officer(s) shall be guided by the advice received from the medical professionals.
 - (d) In some cases, such as angina pectoris, the Officer shall have to rely on the prisoner's word.
- (f) **Previously Untreated Physical / Medical Complaints**
 - (a) Prisoners who complain of injuries or pain resulting from old injuries or problems shall be evaluated by the Watch Commander/Supervisor to determine if it is a valid complaint requiring medical treatment.
 - (b) If the pain appears to be merely of discomfort accentuated by incarceration, the prisoner shall be transported to County Jail where their personnel shall decide whether they shall accept the prisoner without medical clearance.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Simi Valley Police Department unless escorted by a member of the Department.

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- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.10.1 RELEASE UNDER 849(B) AND 853.6 PC

Release Under 849(B) and 853.6 PC

- (a) Every effort will be made to screen and release those inmates who qualify under the above sections to include:
 - 1. There are insufficient grounds for making a criminal complaint against the person(s) arrested.
 - 2. The arrest was for being under the influence of narcotics, drugs, or restrictive dangerous drugs and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.
 - 3. Any other processes that the department is empowered to use.

900.10.2 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.11 ASSIGNED ADMINISTRATOR

The Field Services Assistant Chief will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans

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- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.12 TRAINING

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

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention
- (f) De-escalation
- (g) Juvenile procedures
- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Coordinator shall maintain records of all such training in the member's training file.

900.13 PRISONER BEDDING

- (a) The booking officer should offer one blanket and one mattress to each person booked into the facility.

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- (b) Clean bedding should be stored in the Temporary Holding Facility storage room.
- (c) Blankets that have been used by a prisoner should be placed in the laundry bin after use by the officer releasing the prisoner. Used bedding will be cleaned, as needed, upon the direction of the Temporary Holding Facility Manager.
- (d) It is the manager or his/her designee's responsibility to ensure that adequate supplies of clean blankets are available in the storage room for issue, as needed.

900.14 PRISONER FOOD SERVICE

Prisoner food will be purchased from local restaurants. Snack items are available upon request.

Meals will be provided for prisoners detained in excess of six hours.

California Code of Regulations, Title 15, Section 1215, requires that three meals will be served in a 24-hour period (1 hot). Inmates or minors that appear malnourished and/or dehydrated shall be immediately brought to the attention of the Watch Commander.

Only food from a local restaurant(s) will be used.

- (a) An open purchase order will be maintained at a local restaurant whereby the Watch Commander/Supervisor can authorize the purchase of food for prisoners who have been arrested and cannot be released or transported to a County facility for an extended period of time (due to a lengthy investigation, unusually heavy workload, etc.). The Watch Commander/Supervisor shall call the restaurant and authorize the delivery or pick up of the meals to the station.
 1. The Watch Commander/Supervisor or designee shall sign the receipt and forward the signed receipt, with case DR/GO# on the face, to the Payroll/Purchasing Accounting Technician.
 2. The Watch Commander/Supervisor shall make the appropriate notation in the Watch Log (suspect's name, DR/GO# crime and cost of the meals).
 3. Each purchase shall be restricted to the menu provided to the Watch Commander. No purchase shall exceed \$15.00 per prisoner.
 4. Any arrestee inside the Temporary Holding Facility at 0700, 1200, or 1700 hours shall be offered a meal. A minimum of 15 minutes will be allowed for inmates to consume their meals.
- (b) Minimum Diet
 1. The Watch Commander will ensure that the minimum diet in every 24 hour period will consist of the recommended dietary allowances of the National Academy of Science and one serving specified from each of the four food groups listed in Title 15, Section 1241.
 2. In the event that meals are obtained through a local restaurant, lunch and dinner meal, shall include a minimum of one sandwich/hamburger and a side salad in order to comply with the recommended Dietary allowances.
- (c) Food Service

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1. Food will be served only under the immediate supervision of a staff member of the THF.

900.15 FACILITY SANITATION AND MAINTENANCE

The Watch Commander should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the Jail Manager.

- (a) The THF will be kept in a clean and safe condition at all times.
- (b) The responsibility for the cleanliness and sanitation of the THF is that of the City custodian. The custodian will thoroughly clean the facility each day according to the maintenance schedule established by the Jail Manager.
- (c) Officers are responsible for maintaining the facility in a clean and sanitary manner when the custodian is not available.
- (d) Whenever emergency repairs are necessary the Watch Commander will immediately be notified.
- (e) At the beginning of their shift, the Watch Commander(s) will visually inspect the cells, booking area, interview room for items that could be used as weapons, contraband, as well as for cleanliness and supplies. They will also inspect lights, locks, and plumbing fixtures for damage and proper operation. All defects will be brought to the attention of the Jail Manager. Each inspection will be noted in the jail log.
- (f) The Jail Manager will ensure that booking supplies and first aid kit supplies are available.
- (g) The custodian will accomplish the following each workday:
 - (a) Sweep and clean all cells, hallways, and processing areas of the THF.
 - (b) Clean and disinfect toilets, washbasins, drinking fountains, and showers in the THF.
 - (c) Disinfect all bunks and seating areas.
 - (d) Mop and disinfect each holding cell.
 - (e) Empty all trash receptacles.
- (h) The custodian will accomplish the following once a month:
 1. Clean all heating and air conditioning vents.
 2. Wash down all walls with a disinfectant.
- (i) Key Control
 - (a) Keys to the jail will be locked and secured in the Watch Commander's office when not in use.

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- (b) A second set of keys are kept in the locked key box located within the THF. The master key for the THF key box is located in the Watch Commander's office.
- (c) A single key for jail cells are located within the THF and Report Writing room and are not to be removed from their location(s)
- (d) The Jail Manager will conduct a monthly inventory of all jail keys.

900.16 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of the Temporary Holding Facility, in addition to a standard criminal investigation, the Chief of Police or the authorized designee shall report in writing to the Attorney General within 10 days after the death, all facts in the possession of the department concerning the death. In all such cases, the [Watch Commander shall be notified and will make the appropriate additional notifications as required.

A medical and operational review of every in-custody death shall be conducted. The review team shall include the following:

- (a) Chief of Police or the authorized designee
- (b) The health administrator
- (c) The responsible physician and other health care and supervision staff who are relevant to the incident (15 CCR 1046)

Procedure

- (a) In the event that an officer/employee discovers that an inmate has or appears to have died while in custody, they will immediately summon assistance and begin lifesaving measures such as first aid and CPR. If the person is hanging, the inmate will be brought down, avoiding cutting the knot, if feasible, and first aid measures administered. Other personnel shall:
 - 1. Summon paramedic and ambulance response.
 - 2. Notify the Watch Commander, who will be responsible for notifying the Chief of Police, an investigator from this department, and when applicable, the Ventura County Coroner's Office.
- (b) Preserving the Scene
 - 1. In the event of a prisoner's death, immediately summon the Watch Commander/ Supervisor.
 - 2. Regardless of the type of death, any other prisoner(s) who had been in the same cell with the decedent, shall be immediately removed from the cell, segregated, and placed in separate cells. The area shall not be entered by anyone and shall remain secured until the arrival of investigating personnel.
 - 3. If the death appears to be of a traumatic nature, any other persons who were in the same cell with the victim shall be thoroughly searched for possible weapons. Their hands, shoes (or feet) checked for injuries or marks, which may have been made during an attack.

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4. The scene shall be handled as a homicide and treated as such until investigating personnel determines otherwise.
 5. The Detectives shall respond to the scene, take photographs, and secure any evidence. The Detective Unit will be responsible for conferring with the Coroner's Office to determine the cause of death.
 6. All investigations involving the death of a prisoner shall be conducted in compliance with department procedures.
- (c) Reports
1. The Watch Commander/Supervisor, after conferring with investigating personnel, shall determine the type of report to be written, and what persons shall be required to submit supplementary reports.
 2. Any person in the area of the death, or entering the area shall be required to detail their participation in the investigation, and their observations.
- (d) Notifications
- (a) In the event of a prisoner's death, the Watch Commander/Supervisor shall notify Deputy Chief as soon as possible of the circumstances surrounding the death.
 - (b) The Watch Commander/Supervisor shall notify the Detective Bureau Supervisor and Detectives shall respond to the scene and handle the investigation.
 - (c) Death in Custody Reviews for Adults and Minors: All in-custody deaths are to be reviewed at the conclusion of the incident investigation. The review team shall be comprised of the following personnel: The Professional Standards Bureau Manager, the THF administrator, and a physician from the Ventura County Medical Examiner's Office.
 - (d) Pursuant to California Government Code Section 12525, reports (in writing) and information concerning all in-custody deaths shall be forwarded to the California Attorney General within ten (10) days after the death. In the event of the death of a juvenile, the report will also be forwarded to the Board of State and Community Corrections.
 - (e) There is currently no standard reporting form for this report. The State will require copies of police reports, booking sheets, arrest reports, fingerprint cards, incident reports, and a copy of the Coroner's report and/or death certificate as soon as available.
 - (f) Reports are to be sent to: Department of Justice Criminal Justice Statistics Center P.O. Box 903427 Sacramento, CA 94203-4270

900.17 RECORDS

Incident Reports

- (a) It is the policy of the Simi Valley Police Department to maintain a written record of all incidents which result in physical harm, or serious threat of physical harm, to any employee, inmate, other person in the THF, or damage to City property.

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- (b) The arresting officer is responsible for reporting the incident immediately after its occurrence to the Watch Commander. The officer will complete an Incident Report. This report will completely and concisely document the incident. The report will be completed through the use of Mobile Report Entry or Direct Entry systems into the Records Management System (RMS). Following supervisory review and approval, the report will be filed electronically in the RMS.
- (c) The arresting officer is required to write an Incident Report on all events of special importance occurring in the THF. All Incident Reports must be completed during the shift in which the incident occurred. The Jail Manager must be notified that a jail related Incident Report is available in the RMS no later than 24 hours after the occurrence.
- (d) The filing of an Incident Report will not relieve the Watch Commander (or their designee) of the responsibility of filing a Crime Report, where a violation of the law has occurred, or a Worker's Compensation Report, when an employee has been injured.
- (e) The Watch Commander is responsible for immediately reviewing such reports upon completion, except death investigations, which will be reviewed by the Detective Bureau supervisor. In the case of a death, or attempted suicide in the THF, the following information must be included in the report(s):
 - 1. Time of last check when the inmate was alive or well and who made the check.
 - 2. Time inmate was found in present condition and who found the inmate in such condition.
 - 3. Time first aid was started and what type of aid was administered and by whom.
 - 4. Time paramedics were called and time they arrived.
 - 5. Time the inmate left the THF.
 - 6. Names of paramedics, ambulance and coroner's personnel. If available, get their incident report or case report number.
 - 7. Name and agency of investigating officer and time the investigation was turned over to them.

Maintenance of THF Records

- (a) All THF records shall be maintained for a period of two years. Any death in custody records shall be maintained permanently.

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Simi Valley Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Simi Valley Police Department facilities. Except in exigent circumstances, the search should be conducted by

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a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

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 Simi Valley Police Department identification number and information regarding how and when the property may be released.

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.

A supervisor should also verify the amount and sign the sealed envelope.

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 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

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901.6 STRIP SEARCHES

No individual in temporary custody at any Simi Valley Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.6.1 STRIP SEARCH PROCEDURES

Strip searches at Simi Valley Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Watch Commander.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex, and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.6.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

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These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

901.7 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall

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also be retained and made available upon request to the individual or the individual's authorized representative.

901.8 TRAINING

The Training Coordinator shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

901.9 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.10 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the Simi Valley Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Simi Valley Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Simi Valley Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Simi Valley Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
 - 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
 - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

902.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against individuals in custody or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects, and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the Simi Valley Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether

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the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or the City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

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902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Simi Valley Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Biological Samples

903.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

903.2 POLICY

The Simi Valley Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

Generally, DNA or biological samples are taken from individuals by County personnel as part of the booking process. The Department's Detective Bureau may collect a biological sample as part of an investigation.

903.3 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.

903.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

903.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

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- (d) Use the Department approved consent form in those cases where collection of the DNA sample is provided voluntarily. [See attachment: consent -Times font \(002\).pdf](#)

903.5 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.

903.5.1 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).

903.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

903.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

903.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include

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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.

903.6.2 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)).

903.6.3 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.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Simi Valley Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Simi Valley Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Assistant Chief should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Assistant Chief shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
 - 2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available
- (l) Any relevant information in the National Law Enforcement Accountability Database

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1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Simi Valley Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Department shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Department should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

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Regardless of whether a third party is used, the Department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Assistant Chief for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
- (b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Simi Valley Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

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1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.5.8 CONFIDENTIAL POST RECORDS

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

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- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

1000.8 PROBATIONARY PERIODS

The Administration Assistant Chief should coordinate with the Simi Valley Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.

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- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Simi Valley Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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1001.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

1001.4 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed at six months for all full-time civilian personnel during the probationary period and at the end of the probationary period.

Sworn personnel are on probation for twelve (12) months before being eligible for certification as permanent employees. Sworn probationary personnel are evaluated at six (6) months and at the end of their full probationary period.

Probation may be extended, with concurrence from the employee and Human Resources, to provide additional time for employees who are not meeting the minimum Department standards after one year of employment.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Annual 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 Annual 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 End of Deployment Evaluation can be completed by the previous supervisor.

1001.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

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Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the evaluation, the Unit Manager should review the document and is may add comments in the appropriate area about the employee's performance. Arrangements should then be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have.

If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities.

The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report or as a supplemental document within 30 days receipt of the evaluation.

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

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Assistant Chief). The Assistant Chief shall review the

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evaluation for fairness, impartiality, uniformity, and consistency. The Assistant Chief shall evaluate the supervisor on the quality of ratings given.

1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

Performance Improvement Program

1002.1 PURPOSE AND SCOPE

The Performance Improvement Program (PIP) is established to identify substandard/unacceptable performance and develop an appropriate program of corrective action.

The objective of this procedure is to correct the substandard/unacceptable performance, thereby restoring the member to a level of acceptable and competent productivity. In order to accomplish this objective, this procedure is developed upon the following key criteria:

1. Identification of the substandard/unacceptable performance/ behavior,
2. Communication of the deficiencies to the employee,
3. Formal documentation of the deficiency and the expected change(s), and
4. Development of a document, which specifies an action plan.

1002.2 POLICY

The policy of the Department is that all members are expected to perform in a competent manner in furtherance of the mission and objectives of the Department and in accordance with the law and the policies and procedures of the City of Simi Valley and the Department.

1002.3 PROCEDURE

Performance Improvement Programs **are not** intended to be disciplinary in nature. Completed PIP's will be filed in the employee's evaluation file. The fact that an employee underwent a PIP may be noted in the employee's annual evaluation. However, if the employee fails to successfully complete the program, disciplinary action may be taken and appropriate documentation placed in the employee's evaluation file.

Normally, a Performance Improvement Program will be 90 days in length. The minimum specified time for such a program is 60 days and the maximum time is 120 days.

1002.3.1 FOLLOW-UP COUNSELING

During the duration of the Performance Improvement Program, the supervisor will meet in formal counseling sessions with the employee as specified in the PIP.

1. The supervisor will review the employee's progress as it relates to each identified performance deficiency.
2. Appropriate reinforcement should be given to the employee based upon whether the employee is improving or not.
3. The counseling sessions will be documented in a Progress Report.

1002.3.2 FINAL REPORT

At the end of the Performance Improvement Program, the supervisor shall prepare a final report regarding the employee's progress in the Performance Improvement Program. When

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the employee successfully completes the PIP, the final report should reinforce the employee's improved performance and encourage continued acceptable performance.

In the event the employee does not successfully complete the program, the report should:

1. Specify those standards the employee failed to achieve and how the employee failed to do so, and
2. State that the penalty contained in the Performance Improvement Plan as a consequence for non-improvement be implemented, and
3. Contain a detailed account of the employee's comments regarding the final report.

The Final Report along with all follow-up reports and other appropriate documentation will be forwarded via the chain of command, to the Chief of Police for review and appropriate action.

1002.4 INITIAL SUPERVISORY CORRECTIONS

When minor policy infractions and/or performance deficiencies are noted for the first time, verbal counseling is the preferred method of corrective action. When repeated policy infractions and/or performance deficiencies are noted, formal counseling sessions should be initiated. Such counseling sessions should be documented on either a Supervisor's Report or Counseling memo.

1. The counseling session should address each policy infraction and/or performance deficiency, which has been identified, and the expected corrective action by the employee for each one.
2. The documentation of the counseling session should list each policy infraction and/or performance deficiency along with the expected corrective action.

Should formal counseling fail to correct the performance deficiency and/or ensure compliance with policy, a Performance Improvement Program shall be implemented.

1002.5 PERFORMANCE IMPROVEMENT PROGRAM PROCESS

- A. The supervisor prepares a draft Performance Improvement Plan (PIP)
- B. The supervisor will forward the draft PIP through the chain of command to the Chief of Police and Human Resources Department for approval.
- C. The supervisor discusses the draft PIP with the employee and prepares the final version PIP
- D. The supervisor implements the Supervisory Assistance Section and conducts follow-up counseling.
- E. The supervisor completes the final progress report and forwards the completed file to the Division Manager for review and approval. Should punitive action be necessary, such action will be implemented in accordance with Policy 1011, Personnel Complaints.

1002.5.1 NOTIFICATION FORMAT

- A. Heading (standard memo headings shall be used):

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1. Date:
2. To: (Name of the affected employee)
3. From: (Name of the employee's Supervisor)
4. Subject: (FAILURE TO MEET PERFORMANCE STANDARDS)

B. Performance Standards and How You Failed to Meet Them.

1. List each performance standard where the employee is deficient.

Example: "Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse." (Policy 320.5.8)

2. List specifically and with detail each occasion where the employee failed to meet the listed standard.
3. Repeat the process for each standard.

C. How to improve your performance.

1. This section is a summary of the positive behavior the Supervisor expects the employee to exhibit in order to be regarded as an acceptable employee.

D. Supervisory Assistance and Guidance

1. The supervisor sets a review schedule where the supervisor will review the progress with the employee either weekly or bi-weekly.
2. The supervisor may direct the employee to obtain training and/or counseling when appropriate (see Policy 202, Training Policy).

E. Timeframe and Consequences

1. The supervisor will set the duration of the Performance Improvement Program.
2. The consequences of failing to satisfactorily complete the Performance Improvement Program must be clearly stated. In most situations, the consequence will be termination for failure to meet the specified performance standards within the allotted time. When appropriate, demotion and reduction in pay may be administered.

F. Sample PIP Memo - [See attachment: Performance Improvement Plan Memo.pdf](#)

1002.5.2 INITIAL INTERVIEW

The supervisor will address each performance deficiency identified in the Performance Improvement Plan along with the expected corrective behavior.

1. The supervisor should emphasize the objectives of the Performance Improvement Progress as stated in Section 1002.1 of this Policy.
2. The supervisor should advise the employee of the intent of the supervisor to assist the employee in improving performance.

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3. The supervisor should encourage employee input and take appropriate notes concerning the employee's viewpoints. This information may be incorporated into the Performance Improvement Plan.
4. The supervisor will advise the employee of review process and the schedule for the review sessions.
5. The supervisor will inform the employee of any outside training and/or counseling that is required as part of the Performance Improvement Program.
6. The supervisor will inform the employee of the consequences that may result in the event the employee fails to satisfactorily complete the Performance Improvement Program.

1002.6 REFERENCE

Additional resources may be found at on the W:Drive/HR Resources/Supervisor Resources.

Special Assignments and Promotions

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Simi Valley Police Department.

1003.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Simi Valley Department of Human Resources.

1003.3 PROMOTIONAL PROCESS

The following sections detail the promotional process and those items specific to rank.

1003.3.1 MINIMUM QUALIFICATIONS

Applicants who possess the required experience/education combinations may qualify to compete in the process. Refer to the City's Job Class Specifications for the minimum qualifications for the indicated positions. A copy of the specifications can be obtained from Human Resources or are available on the City computer network for review.

1003.3.2 SELECTION PROCESS

A recruitment period shall be established by the City's Human Resources Division. All applications and application material including resumes, commendations, letters of reference, earned credit review, etc., must be prepared and submitted by the applicant to the Human Resources Division prior to the filing deadline. Applications received after the filing deadline will not be accepted. All applications will be reviewed to ensure that the minimum standards are met. Those applicants meeting the minimum qualifications will be invited to participate in the examination process. Applicants should review their Department Personnel File for completeness and accuracy up to the filing deadline. Such reviews shall be by prior appointment with the Secretary in Administration or the Chief's Administrative Assistant.

1003.3.3 EXAMINATION PROCESS

- (a) Each Oral Board interview shall be recorded. All recordings shall be maintained by Human Resources.
- (b) Each specific selection process will be reviewed in advance and a final process determined by mutual agreement between the Chief of Police and the Human Resources Division. When Senior Officer and Sergeant processes are undertaken, the SVPOA will be consulted as appropriate.
- (c) Promotability ranking for Senior Officer and Sergeant will be accomplished through an appearance before an Internal Promotability Review Board. The Internal Promotability Review Board will use the Senior Officer/Sergeant scoring/evaluation form. [See attachment: Senior Officer -Sergeant Promotability Evaluation Form.pdf](#)
- (d) Earned Credits for Senior Officers and Sergeants shall be assessed as set forth in the Senior Officer and Sergeant Promotional Earned Credits form. [See attachment:](#)

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[Earned Credits Form - Senior Officer - Sergeant.pdf](#)The Earned Credits form will be verified by Department Administration during Phase 4 of the process

- (e) Senior Officer, Sergeant, Commander, and Assistant Police Chief candidates must achieve a minimum score of 70% on each phase of the examination process except for the Earned Credits review.
- (f) The Earned Credits review does not have a minimum score requirement. Those candidates who meet these criteria will be ranked on a eligibility list based upon their final composite scores.
- (g) Pursuant to City Policy, the Chief of Police may make appointments from the certified list as vacancies occur.
- (h) No portion of the examination process will be available for review or discussion until after the eligibility list is certified.

1003.3.4 SENIOR OFFICER

Phase 1 - Written Examination: Pass/Fail

A California State Accredited test will be administered. All candidates receiving a minimum score of 70% or the top one-third of the candidates, whichever is greater, will progress to Phase 2.

Phase 2 - Promotability Review Board: Weighted 90%

- (a) The Department's internal Promotability Review Board (Board) will be composed of the Commander and two (2) Sergeants assigned to the Senior Officer Program. Every effort will be made to utilize supervisors from the Senior Officer Program, but an alternate Commander or Sergeant may be selected for this role if those assigned to the Senior Officer Program are not available due to an illness or long-term absence. The interviews will be recorded and subject to Human Resources review.
- (b) Prior to the candidate interview, Board members will review each candidate's personnel and evaluation files, which may include performance evaluations, commendations, discipline, and memoranda.
- (c) Questions posed to a candidate during the interview by the Board are intended to clarify issues and provide the candidate the opportunity to respond to specific concerns. Questions must be based on information documented in the employee's personnel and/or evaluation files. Topic specific or hypothetical interview questions may address tactics, leadership, problem solving, interpersonal skills, current issues of concern to law enforcement and Department policy and procedures. The topic specific questions shall be the same for each candidate. Questions about outside employment and/or military status are not permitted.
- (d) The Senior Officer/Sergeant Promotability form will be used to evaluate the candidates and each category on the form must be rated by the Board Members.
- (e) Any score below 70% must be justified in the "Comments" sections and based upon documentation in the candidate's personnel package.

Phase 3 - Earned Credit Review: Weighted 10%

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- (a) Applicants shall submit a draft of their earned credits to the Human Resources Division with their application to participate in the promotional process.
- (b) The Earned Credits form will be verified by Police Department Administration. There is no minimum score for this Phase.

1003.3.5 SERGEANT

Phase 1 - Written Examination: Weighted 25%

A California State Accredited test will be administered. All candidates receiving a minimum score of 70% or the top one-third of the candidates, whichever is greater, will progress to Phase 2.

Phase 2 - Oral Board Interview: Weighted 25%

An external Oral Board of two (2) sworn law enforcement personnel and one (1) civilian from the community will be selected and approved by the Chief of Police and the Human Resources Division. All Oral Board interviews will be recorded. All law enforcement personnel selected for the Board will be at least one rank senior by the candidates for promotion. All candidates receiving a minimum score of 70% will progress to Phase 3.

Phase 3 - Promotability Review Board: Weighted 40%

- (a) The department's internal Promotability Board will be comprised of two (2) Assistant Chiefs of Police, one (1) Commander from the Investigative Division, and one (1) Commander from the Operations Division of the department, or any other designee assigned by the Chief of Police. The Chief of Police has the discretion to promote any candidate from the eligibility list (not necessarily in order of score) that he/she feels best suits the needs of the organization.
- (b) Prior to the candidate interviews, Board Members will review each candidates personnel and evaluation files, which may include performance evaluations, commendations, discipline, and memoranda.
- (c) Questions posed to a candidate during the interview by the Board are intended to clarify issues and provide the member an opportunity to respond to specific concerns. Questions must be based on information documented in the employee's personnel and/or evaluation files.
- (d) Topic specific or hypothetical interview questions may address tactics, leadership, problem solving, interpersonal skills, current issues of concern to law enforcement, and department policy and procedures.
- (e) Questions about outside employment and/or military status are prohibited.

Phase 4 - Earned Credit Review: Weighted 10%

- (a) Applicants shall submit a draft of their earned credits to the Human Resources Division with their application to participate in the promotional process.
- (b) The Earned Credits for will be verified by Police Department Administration. There is no minimum score for this Phase.

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1003.3.6 COMMANDER

Phase 1 - Written Examination: Weighted 20%

All candidates will be given the same topic to write on at the same time and given 24-hours to complete the project and submit the completed work to the Assistant Chiefs of Police. The Assistant Chiefs of Police will be the sole evaluators of the project.

Phase 2 - Oral Board Interview: Weighted 30%

An external Oral Board comprised of two (2) sworn law enforcement personnel at the rank of deputy chief or equivalent, and one (1) community member.

Phase 3 - Assistant Chiefs' Interview: Weighted 50%

The Assistant Chiefs of Police will conduct an interview with the candidate. Candidates will be evaluated on their knowledge of contemporary supervision, organizational theory, employee motivation, predictive crime prevention strategies, strategic enforcement concepts, customer service and community policing philosophies, as well as their interpersonal skills.

The Police Chief will promote the candidate(s) he/she feels best suits the needs of the organization.

In accordance with City Policy, the Chief of Police may waive the process for Commander if there are three (3) candidates or less.

1003.3.7 ASSISTANT POLICE CHIEF

Application Screening:

All applicants meeting the minimum qualifications will be invited to participate in the process as described below. Should there be three candidates or less, qualified candidates will proceed to Phase 3

Phase 1 – Written Examination: Weighted 20%

All candidates will be given four essay questions to answer within a designated time period. The essays will be written in a controlled environment utilizing Microsoft Word. The candidates will not be permitted to utilize the internet or a mobile device during this portion of the examination. An outside board will evaluate the essays and provide numerical scores. This board will also be utilized in Phase 2 of the promotional process.

Phase 2 – Project with a Presentation: Weighted 20%

All candidates will be given a timed take-home written project topic and expected to prepare a staff report, as well as a PowerPoint presentation. The candidates will present their project in front of up to four panelists of the Police Chief's choosing.

Phase 3 – Chief's Interview: Weighted 60%

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The Police Chief and up to two other persons or, at his/her discretion of the Chief alone, will conduct selection interviews. Each eligible candidate will be interviewed and certified to an eligibility list.

The Police Chief will promote the candidate(s) he/she feels best suits the needs of the organization.

1003.4 POLICY

The Simi Valley 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.

1003.5 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Special Weapons and Tactics Team member
- (b) Investigator
- (c) Motorcycle officer
- (d) Bicycle Patrol officer
- (e) Canine handler
- (f) Collision investigator
- (g) Field Training Officer
- (h) Community Relations/Training Officer
- (i) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer
- (j) Court Officer

1003.5.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Off probation
- (b) Possession of or ability to obtain any certification required by POST or law
- (c) Exceptional skills, experience, or abilities related to the special assignment

1003.5.2 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:

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1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1003.5.3 SELECTION PROCESS

The following criteria apply to transfers:

- (a) Each supervisor who has supervised or otherwise been involved with the candidate will submit recommendations to the Bureau Commander.
- (b) A review of the candidates personnel package will be done by the Bureau Supervisors prior to any interview.
- (c) The supervisor recommendations will be submitted to the Bureau Supervisors for whom the candidate will work. The Bureau Commander will schedule interviews with each candidate.
- (d) Based on supervisor recommendations and those of the Bureau Commander after the interview, the Bureau Commander will submit a recommendation(s) to the Assistant Police Chief.
- (e) Appointment by the Assistant Police Chief.

Grievance Procedure

1004.1 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.

The Grievance procedure has been established through labor negotiations between the City of Simi Valley and the Simi Valley Police Officers' Association. The agreed to procedure is outlined in the current MOU and should be used as the guideline for all grievance handling. This policy remains to add clarification and definition only.

1004.1.1 GRIEVANCE DEFINED

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

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

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

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaint Policy.

1004.2 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.

1004.3 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

Anti-Retaliation

1005.1 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.

1005.2 POLICY

The Simi Valley 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.

1005.3 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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1005.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1005.4 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 Deputy Director.

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

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

1005.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1005.6 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.

1005.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Bureau for investigation pursuant to the Personnel Complaints Policy.

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1005.7.1 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).

1005.8 RECORDS RETENTION AND RELEASE

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

1005.9 TRAINING

The policy should be reviewed with each new member.

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

Reporting of Arrests, Convictions, and Court Orders

1006.1 PURPOSE AND SCOPE

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

1006.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

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

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1006.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1006.4 REPORTING

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

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

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

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

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

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

1006.4.1 NOTIFICATION REQUIREMENTS

The Administration Assistant Chief shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1006.5 POLICY

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

Drug- and Alcohol-Free Workplace

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1007.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1007.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1007.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1007.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1007.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). 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.

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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).

1007.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1007.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1007.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1007.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1007.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1007.8 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).

1007.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Annual Leave

1008.1 PURPOSE AND SCOPE

Employees of this department are provided with an Annual Leave (A/L) benefit that gives them continued compensation during times of absence due to personal or family illness or can be used for vacation time. 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), (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

Annual leave for planned vacation use will be granted under the terms of the current MOU.

1008.2 EMPLOYEE RESPONSIBILITIES

Annual leave may be used for vacation and 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.

Employees shall complete and submit an annual leave request for advance approval of time off or upon returning to work after an unexpected period of time off.

1008.2.1 NOTIFICATION

Employees are encouraged to notify the Watch Commander or appropriate 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 supervisor (Labor Code § 246).

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 (Labor Code § 246).

1008.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their supervisor at three-day intervals to provide an update on their absence and expected date of return. 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.

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1008.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor annual leave usage and regularly review the attendance of employees under their command to ensure that the use of annual 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.

Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1009.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Simi Valley Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1009.2 POLICY

The Simi Valley 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.

1009.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1009.4 EXPOSURE PREVENTION AND MITIGATION

1009.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

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- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1009.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1009.5 POST EXPOSURE

1009.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1009.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure

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- (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).

1009.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1009.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1009.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status

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of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1009.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1009.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1010.1 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 Simi Valley 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.

1010.2 POLICY

The Simi Valley 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).

1010.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Simi Valley 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.

1010.4 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.).

1010.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Simi Valley 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.

This policy shall not be applied in any manner to deprive sworn department members the right and protection of the Public Safety Officers Procedural Bill of Rights Act (CA Govt Code 3300 et seq) or other applicable laws.

1011.2 POLICY

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

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

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

1011.3 PERSONNEL COMPLAINTS

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

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

Personnel complaints may be Administrative or Criminal/Administrative.

1011.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall report the information to a supervisor when reasonably practicable.
- (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.

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- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits alleging misconduct may generate a personnel complaint against an employee.

1011.3.2 COMPLAINT CLASSIFICATIONS

Inquiry: A matter that generally includes clarification regarding policy, procedures or the response to specific incidents by the Department. Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule that may be handed informally by a supervisor and shall not be considered a personnel complaint.

Formal External Complaint: An allegation of misconduct or improper job performance about an employee received from outside the Department. Individuals from the public may make complaints in any form, including in writing, by email, in person, by telephone, or by electronic means. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

Formal Internal Complaint: A personnel complaint of an allegation of misconduct or improper job performance about an employee received by any department member. Any department member becoming aware of an alleged misconduct shall immediately notify a supervisor. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any department member alleging misconduct that, if true, could result in disciplinary action.

Incomplete Complaint: A matter in which a supervisor determines that there is insufficient information provided about the complaint to allow for any reasonable inquiry or investigation.

1011.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained at the front desk of the police facility.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1011.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor.

If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall document it on a memorandum form and forward it to the administration, or designee, for further review.

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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If requested, a complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

At the time of acceptance of the complaint form by a supervisor, the supervisor shall conduct a recorded (audio or video/audio) interview of the complainant, if possible, and ensure, to the extent possible, that the details of their complaint are clearly understood.

1011.4.3 HATE COMPLAINTS AGAINST PEACE OFFICERS

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

1011.4.4 AVAILABILITY OF WRITTEN PROCEDURES

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

1011.5 DOCUMENTATION

Supervisors shall ensure that all complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. This log is maintained in Administration. The log shall include the nature of the complaint and the actions taken to address the complaint.

The Chief of Police shall authorize each Special Investigation (SI), whether Administrative or Criminal, and an identifying number shall be assigned.

1011.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1011.6.1 SUPERVISOR RESPONSIBILITIES

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

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

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal internal or external complaint, a complaint form is completed.

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- (a) The original complaint form will be directed to the Assistant Chief of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
- (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Assistant Chief or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - (b) If the matter is resolved and no further action is required, the supervisor will note the resolution in written memorandum format and forward the memo to the Watch Commander who will forward the memo to the appropriate Assistant Chief.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander, Assistant Chief and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three (3) days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1011.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

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

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

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No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Title Page - includes SI number, Complainant Name, and Investigator's Name

Table of Contents

Investigative Report

Standard Memo format

To the appropriate Deputy Chief

From the Investigator

Subject

Identify the source of the complaint

Identify the affected employee(s)

Complaint

Statement outlining the complaint

Summary

Background Information

Circumstances

Responses to each allegation

Investigator Notes

Used for clarification and insight

Statements

Collate in order in which the interviews were conducted

Each statement should be on a separate page

Witness List

Last name, first name, address, phone number, time and place of interview

For sworn personnel, the address may be omitted

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Addenda

Related documents of evidentiary value

After the investigator's report has been completed, a Commander (or Assistant Chief if the investigator was a Commander) will complete an Administrative Review.

The Administrative Review shall be in memorandum format from the Commander to the appropriate Deputy Chief. The purpose of the Administrative Review is to make a factual determination of policy violations, if any, based upon the investigator's report.

Upon receipt of the Administrative Review, the Assistant Chief will make a recommendation for the appropriate level of discipline.

1011.6.4 DISPOSITIONS

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

Unfounded - When the investigation discloses that the alleged act(s) 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 § 832.5(c)). California Code of Civil Procedure § 128.5 (c) defines frivolous "as totally and completely without merit or for the sole purpose of harassing an opposing party."

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

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

The disposition and closure of an investigation is documented on a Disposition Action Memorandum (DAM) Report completed by Administration personnel.

1011.6.5 COMPLETION OF INVESTIGATIONS

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

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

The Department shall complete the investigation of any allegation of serious misconduct regardless of employment status and submit the findings to POST.

1011.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

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

1011.7 ADMINISTRATIVE SEARCHES

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

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

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

1011.7.1 DISCLOSURE OF FINANCIAL INFORMATION

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

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

1011.8 ADMINISTRATIVE LEAVE

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

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

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1011.9 CRIMINAL INVESTIGATION

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

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

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

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

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

1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of an investigation, an Administrative Review in memorandum format should be forwarded to the assigned Commander (or Assistant Chief if the investigator was a Commander). The Commander will then make a recommendation for the appropriate level of discipline, if any. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1011.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation and administrative review, the Assistant Chief of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Assistant Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Assistant Chief 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 Assistant Chief 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.

1011.10.2 CHIEF OF POLICE RESPONSIBILITIES

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

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

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

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1011.10.3 NOTICE REQUIREMENTS

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

1011.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

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

1011.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

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

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

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- (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.

1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

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

1011.13 POST-DISCIPLINE APPEAL RIGHTS

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

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

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

1011.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the Peace Officer Bill of Rights (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. Appeals beyond the Chief of Police shall follow any guidelines established in the current MOU.

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1011.15 RETENTION OF PERSONNEL INVESTIGATION FILES

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

1011.16 REQUIRED REPORTING TO POST

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

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 - 2. Findings of civilian review boards.
 - 3. Final dispositions of any investigations.
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Simi Valley Police Department based on allegations of conduct by an officer.

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

1011.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct ([See attachment: Serious Misconduct Definitions.pdf](#)) by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 - 1. A narrative of the allegations
 - 2. Date and time of incidents
 - 3. Location of occurrence

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4. Any witness information, if available
5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1011.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 1. The Department shall provide the name of the body conducting the proceeding.
 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 1. The name of the court having jurisdiction over the criminal charges against the officer.
 2. The status of the criminal case, if known.

1011.17 SECTION TITLE

Seat Belts

1012.1 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).

1012.1.1 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.

1012.2 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.

1012.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1012.4 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.

1012.5 POLICY

It is the policy of the Simi Valley 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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1012.6 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).

1012.7 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.

1012.8 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.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
 - (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 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.

1013.5 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 appropriate Deputy Chief and the Commander of the Professional Standards Bureau.

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.

1013.5.1 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.

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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)).

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Bureau supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1013.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1013.7.1 PERSONNEL 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 Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

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2. The Training Coordinator 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).
 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.

1013.7.2 EVAL FILE

The Eval 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

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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.

1013.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Professional Standards Bureau. 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)).

1013.7.4 TRAINING FILES

An individual training file shall be maintained by the Professional Standards Bureau for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the employee's training file.

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1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.8.1 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1013.8.2 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1013.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Bureau supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and

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department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.

- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by an officer.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
 3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
 4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

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When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1013.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1013.9.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is

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returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until:

- (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1013.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
- (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

Employee Commendations

1014.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1014.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made, generally in memorandum format by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1014.3 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

Fitness for Duty

1015.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1015.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Assistant Chief, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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Fitness for Duty

1015.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use Annual Leave (AL) or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

A written physician's report noting the employee's work restrictions is required for the Department to make a determination if the employee can be accommodated with a temporary light duty assignment or should remain off duty until the situation improves.

1015.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Assistant Chief, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. 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.

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- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1015.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should generally 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

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.

Rest and Recovery time between shifts shall comply with the current MOU.

1015.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Code 7

1016.1 PURPOSE AND SCOPE

This policy regarding meals (Code 7) and breaks shall govern all Sworn employees and dispatchers.

1016.1.1 CODE 7

Sworn employees and dispatchers shall remain on duty subject to call during Code 7 breaks. All other employees are not on call during Code 7 breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from The Communications Center prior to going Code 7. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the Code 7 shall not exceed 30 minutes.

Uniformed officers are limited to 4 officers at any one location during a Code 7 break. Exceptions to this may include unit training or special events. A supervisor or manager may approve additional exceptions on a case by case basis,

Lactation Break Policy

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1017.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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Lactation Break Policy

1017.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends her shift.

1017.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Payroll Records

1018.1 PURPOSE AND SCOPE

These procedures apply to all members and the submission of payroll records and/or supplemental payroll records. These records are submitted to Fiscal Services on a weekly basis for the payment of wages. This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1018.2 OVERTIME PROCEDURES

The following shall apply to all overtime worked by a department member:

- (a) All pre-planned, discretionary overtime shall be pre-approved by the supervisor/manager authorizing the overtime as evidenced by the SAP number in the left column of the time sheet, under "AUTH SAP #".
- (b) Once completed, overtime must be confirmed by the supervisor/manager that can verify the overtime was worked. The confirming supervisor/manager shall enter their SAP number and initials in the right column of the time sheet, under "CONF SAP #".
- (c) Overtime for a future date may not be entered on a time sheet. Those members whose time sheets are due on Fridays must fill out a supplemental time sheet and obtain the appropriate authorizations as detailed in this policy.
- (d) Each individual overtime entry on a member's time sheet shall be approved by the member's supervisor/manager at the conclusion of the overtime worked. If the member's supervisor/manager is not available, the Watch Commander should be requested to approve the overtime prior to leaving the station or at the conclusion of the detail.

In the following cases, pre-approval of overtime will not be required:

- (a) Simi Court (2001)
- (b) Ventura Court (2002)
- (c) Standby/On Call (2004)
- (d) Called in Early/Called Back (2005)
- (e) DMV Telephonic Hearing (2010)
- (f) DMV Hearing (2011)
- (g) Range Local (4000)
- (h) Range Out of Town (4001)
- (i) DEA Task Force (7014)
- (j) Equipment Maintenance (5005)
- (k) POST Training (4010)
- (l) Emergency Call Outs

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Officers signing up for a vacant patrol shift may enter the posting supervisor's SAP number in the pre-authorization column, which will be available on the sign up sheet. Vacant position overtime worked should be signed off by the on-duty Watch Commander/Supervisor at the conclusion of the shift worked.

Similarly, if a supervisor requests that a department member works overtime, pre-authorization may be communicated via email. The member may enter that supervisors SAP number in the pre-authorization column.

1018.3 RESPONSIBILITY OF SUPERVISORS/MANAGERS

The following shall apply to all managers/supervisors approving time sheets, supplemental time sheets, and/or overtime:

- (a) Time sheet approvers must ensure that time sheets are complete and signed by the department member.
- (b) Ensure that an SAP number has been entered in the authorizing and confirming boxes for pre-planned, discretionary overtime.
- (c) When confirming overtime on a member's time sheet, supervisors/managers will enter their SAP # and initials in the "CONF" column.
- (d) Inaccurate or incomplete time sheets shall be returned to the member for correction(s).
- (e) If a department member is not available to make appropriate corrections, all communication with that member shall be via email, with Fiscal Services payroll staff copied.
- (f) If a modification is made to a department member's time sheet the supervisor making that modification shall initial the change, enter their ID or SAP number and advise the member via email, with Fiscal Services payroll staff copied.
- (g) No modifications or entries may be made on a department member's time sheet based solely on a text message or telephone conversation.
- (h) In the case of posted overtime for vacant patrol shifts the supervisor creating the posting will indicate their SAP number on the sign up sheet.
- (i) Pre-approval of overtime may be done via email with the department member.

Fiscal Services will return incorrectly completed time sheets (e.g. missing SAP numbers, recording future overtime, incorrect entries, etc.) to the approving supervisor/manager if practical, otherwise they will be forwarded to Administration.

1018.4 POLICY

The Simi Valley Police Department maintains timely and accurate payroll records.

1018.5 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

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1018.6 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Fiscal Services as established by the City payroll procedures.

1018.7 RECORDS

The Fiscal Services Unit 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).

Outside Employment

1019.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered.

For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1019.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval pursuant to City Policy 37 . Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

Requests for outside employment are valid for one year. Requests for continued outside employment must be approved by the Chief of Police.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the Department's Administration. The application will be reviewed by the Chief of Police then be forwarded to the City Manager for final approval consideration.

If approved, the employee will be provided with a copy of the approved permit, which is valid for one year.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

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1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment 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 permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit 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 permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment 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, Department uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

1019.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or

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secondary employment as a private security guard, private investigator or other similar private security position while wearing a uniform of the Simi Valley Police Department, being immediately identifiable as a member of the Simi Valley Police Department, or within the jurisdiction of the City of Simi Valley.

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 City Hall or the Department 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.

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1019.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

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1019.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1019.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1019.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

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- (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 Simi Valley Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

1019.7 OUTSIDE EMPLOYMENT FORMS

See attachment: [Outside Employment Auth Fillable.pdf](#)

Occupational Disease and Work-Related Injury Reporting

1020.1 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.

1020.1.1 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.).

1020.2 POLICY

The Simi Valley 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.).

1020.3 RESPONSIBILITIES

1020.3.1 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).

1020.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1020.3.3 ASSISTANT CHIEF RESPONSIBILITIES

The Assistant Chief who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administration Assistant Chief to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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1020.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1020.4 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.

1020.4.1 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.

Personal Appearance Standards

1021.1 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.

1021.2 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.

1021.2.1 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.

1021.2.2 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.

1021.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1021.2.4 BEARDS AND GOATEES

A goatee or full beard may be worn and must be in combination with a mustache. The goatee or full beard shall be no longer than 3/4 inch in length (number 6 trimmer attachment), evenly and neatly trimmed, and must not extend below the top of the Adam's apple or cover the neck. An employee's facial hair is subject to supervisor determination as to whether it complies with the policy.

(a) Beards and goatees may need to be shaven upon deployment to civil unrest situations, emergencies, or other events, as determined by the Chief of Police or his or her designee.

(b) Beards and goatees may not be worn by any honor guard member while performing his or her official duties as a member of the honor guard detail.

(c) Beards and goatees are not allowed to be worn by any officer in training.

(d) Any facial hair shall always remain well-groomed and trimmed to project a professional appearance and instill public confidence in all personnel.

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(e) Any deviation from this policy must be authorized by the Chief of Police or his or her designee.

1021.2.5 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.

1021.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1021.3 TATTOOS

While on-duty or representing the Department in any official capacity, no tattoo shall be visible, unless an exception is made by the Chief of Police.

1021.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

1021.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1022.1 POLICY

It is the policy of the Simi Valley Police Department that all uniformed personnel maintain a professional appearance in compliance with this policy.

1022.2 PURPOSE AND SCOPE

The uniform policy of the Simi Valley Police Department is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms. The Simi Valley Police Department will provide uniforms for all employees required or authorized to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained by the Professional Standards Bureau and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1022.3 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times a wool Class A uniform, and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors should perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

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- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (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

1022.3.1 DEPARTMENT ISSUED BADGE AND IDENTIFICATION

The Department issues each qualified employee an official department badge based on rank and/or assignment, as well as an identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon, if authorized.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Assistant Chief.
- (c) When not in uniform, all members of the Department shall wear their identification card in a visible manner while in the police facility.

1022.4 UNIFORM CLASSES

1022.4.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve wool shirt with tie
- (b) Polished shoes
- (c) Department issued cover

1022.4.2 CLASS B UNIFORM

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 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

1022.4.3 PATROL DUTY UNIFORM

The Patrol Duty Uniform (PDU) uniform is the primary uniform for Patrol personnel; however, the Class B uniform is also authorized for wear by members working uniformed Patrol.

1022.4.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by members in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers, administrative, civilian support and other specialized assignments.

1022.4.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications manual lists the authorized uniform jacket and rain gear.

1022.5 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first name initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment insignias, (SWAT, FTO, CIT etc.) may be worn on the right pocket, with a limit of two insignias.
- (f) Special recognition ribbons and the American flag ribbon may be worn under the badge, above the left pocket.

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- (g) The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1022.5.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty meeting the Department's criteria for recognition.

The following mourning periods will be observed:

- (a) An officer of this department - Until sunset of 14 days past the day of the funeral.
- (b) An officer from this or an adjacent county - From the time of death until sunset on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1022.6 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Open toed sandals or thongs
 - 3. Swimsuit, tube tops, or halter-tops
 - 4. Spandex type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

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- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Simi Valley Police Department or the morale of the employees.

1022.7 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Simi Valley 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 Simi Valley 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.

1022.8 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1022.8.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Simi Valley Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Simi Valley Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

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The badge worn by a retiring member may be purchased from the Department and maintained by the member.

1022.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Simi Valley Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or designee.

Simi Valley Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or designee.

Police Explorers

1023.1 PURPOSE AND SCOPE

Explorers work under direct supervision of a Department Explorer Advisor, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a potential career in law enforcement. The guidelines for the Department's Explorer Program will follow those outlined by the Boy Scouts of America, Learning for Life Program.

The Police Explorer Program is a charter member of Learning for Life and is assigned to the Professional Standards Bureau; whose responsibility it is to oversee, administer and manage the program.

1023.2 PROCEDURES MANUAL

The department has established the Explorer Program Procedures Manual in order to facilitate and promote standardization of the department's Police Explorer Post Program for all participants, advisors, supervisors, managers, executives and other interested parties. This Procedures Manual will be reviewed periodically by the Professional Standards Bureau Commander or his/her designee and revised as needed to reflect changes in state or local law, Learning for Life policies, or department policies as related to the Police Explorer Program.

1023.3 PROGRAM COORDINATOR

The Commander of the Professional Standards Bureau will serve as the Program Coordinator. The Professional Standards Bureau Sergeant will serve as the program supervisor. The supervisor will be responsible for tracking the educational and job performance of Explorers as well as making their individual assignments throughout the department. He/she will also monitor the training provided for all Explorers and review all decisions affecting job assignments, school attendance and performance evaluations.

1023.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual employees and/or Volunteers to serve as advisors for the Explorer Program. These advisors will serve as mentors for each explorer. Explorers will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the explorers. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

All Explorer Program advisors shall meet the annual training requirements of Learning for Life.

1023.4 RIDE-ALONG PROCEDURES

All explorers holding the rank of E2 or higher are authorized to participate in the Ride-Along Program as provided in the Simi Valley Police Department's Police Explorer Post Procedures Manual.

Nepotism and Conflicting Relationships

1024.1 POLICY

It is the policy of this Department to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

In doing so, it is the policy of the Simi Valley Police Department to follow the policy of the City of Simi Valley covering nepotism and conflicting relationships.

1024.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Department Badges

1025.1 PURPOSE AND SCOPE

The Simi Valley Police Department badge and uniform patch as well as the likeness of these items and the name of the Simi Valley Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1025.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of 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.

All badges will be issued to each uniformed member at Department expense.

(a) Breast Badge

1. The breast badge is manufactured by Sun Badge Company, San Dimas, California and consists of number P84 two-tone, "oval" silver colored metal shield with gold colored metal ribbons and City seal with Department design. The ribbons shall indicate in dark blue enamel filled letters, the Officer's rank in the arch, City seal in the middle with "Simi Valley", "Police" and Officer's badge number listed below City seal.

(b) Full Size Flat Badge

1. The full size flat badge and case are manufactured by Sun Badge Company, San Dimas, California and consists of number P84 two tone, "oval" silver/gold metal badge of the same design as the breast badge. The full size flat badge is inlaid in a "Slimline" black leather case with one I.D. window.

(c) Cloth Badge

1. Cloth badges will be issued to all Officers for use on the following garments:
 - (a) Jacket (except dress jacket)
 - (b) Light jacket
 - (c) Raingear
 - (d) Vest Cover
 - (e) Class "C" Shirt: Administrative or Enforcement polo shirts may have either a cloth badge or an embroidered badge.
2. The cloth badge (or embroidered) will be sewn securely to the authorized garment where the breast badge would be located.
3. The cloth badge (or embroidered) will be worn with the cloth (or embroidered) sew-on nametag.

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1025.2.1 CIVILIAN 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.

1025.2.2 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.

1025.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian 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.

The Police Officers' Association and the Police Managers' Association are entitled to use the likeness of the badge or shoulder patch for printed union related material.

Temporary Modified-Duty Assignments

1026.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1026.2 POLICY

Subject to operational considerations, the Simi Valley Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1026.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Simi Valley Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

1026.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment for a non-work related injury should submit a written request to their Assistant Chiefs or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.

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Temporary Modified-Duty Assignments

- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Assistant Chief will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

1026.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Assistant Chief.

1026.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

1026.5.2 SUPERVISOR RESPONSIBILITIES

The Commander of the Professional Standards Bureau shall schedule, monitor and manage the work schedule of those assigned to temporary modified duty.

These responsibilities shall include, but not be limited to:

- (a) Periodically apprising the Assistant Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Assistant Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

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1026.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1026.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1026.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1026.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1026.9 MAINTENANCE OF CERTIFICATION AND TRAINING

With the exception of policy 306.10(h), employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1027.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

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

1027.1.1 APPLICABILITY

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

1027.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Simi Valley Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1027.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Simi Valley Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1027.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Simi Valley 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 Simi Valley Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Simi Valley 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 Simi Valley Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Simi Valley Police Department on any personal or social networking or other website or web page, is highly discouraged.

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- (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, should not be done if it interferes with the member's primary job duties.
 - 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).

1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Simi Valley Police Department or identify themselves in any way that could be reasonably perceived as representing the Simi Valley 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 Simi Valley Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

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1027.5 PRIVACY EXPECTATION

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

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

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1027.7 TRAINING

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

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 Simi Valley 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 Simi Valley 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 City's Risk Manager 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 DEPARTMENT RESPONSIBILITIES

The Chief of Police shall ensure that a Department Manager represents the Department for the ongoing issues surrounding Illness and Injury Prevention.

The responsibilities of the designated Manager include, but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
 - 3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR § 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR § 5144)
 - (b) Bloodborne pathogens (8 CCR § 5193)
 - (c) Aerosol transmissible diseases (8 CCR § 5199)
 - (d) Heat illness (8 CCR § 3395)
 - (e) Emergency Action Plan (8 CCR § 3220)
 - (f) Fire Prevention Plan (8 CCR § 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR § 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

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- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1028.5 SUPERVISOR/MANAGER RESPONSIBILITIES

Supervisor/Manager 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 a Assistant Chief.
- (e) Notifying the appropriate Assistant Chief 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.

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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 Assistant Chief via the chain of command.

The Assistant Chief 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 Assistant Chief 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 notify a supervisor if an unsafe condition cannot be immediately corrected.

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 a supervisor.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) 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.

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 Assistant Chief should work with the Commander of the Professional Standards Bureau 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 Commander of the Professional Standards Bureau 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, footwear and PPE.
- (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, review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1028.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Line-of-Duty Deaths

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Simi Valley Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1029.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1029.2 POLICY

It is the policy of the Simi Valley 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 Press Information Officer 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 authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1029.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Simi Valley 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 shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1029.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Assistant Chief or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1029.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Simi Valley Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1029.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Assistant Chief. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the department's Press Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Press Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1029.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.
 - (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
 - (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
 - (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
 - (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1029.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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1029.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Simi Valley Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1029.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
 - 1. Education benefits (Education Code § 68120).
 - 2. Health benefits (Labor Code § 4856).
 - 3. Workers' compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

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- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1029.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1029.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.

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- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1029.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1029.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1029.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

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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.

Wellness Program

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1031.2 POLICY

It is the policy of the Simi Valley Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1031.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
1. The coordinator should work with appropriate department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling

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services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1031.4 DEPARTMENT PEER SUPPORT

1031.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1031.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1031.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1031.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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

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Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1031.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

1031.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1031.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

Simi Valley Police Department

POLICY MANUAL

POLICY MANUAL

Wellness Program

1031.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Coordinator to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Coordinator as appropriate for inclusion in training records.

Attachments

**Policy 33-Harassment-Free Work
Environment Updated April 2017.pdf**

POLICY 33

HARASSMENT, DISCRIMINATION, AND RETALIATION-FREE WORK ENVIRONMENT

Policy Statement

The City is committed to providing a work environment free of discrimination, harassment, and retaliation. The purpose of this policy is to: establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms, and to set forth a procedure for investigating and resolving internal complaints. The City encourages all covered individuals to report – as soon as possible – any conduct that is believed to violate this Policy.

Policy

The City has zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law to violate this Policy. A single act can violate this Policy and provide grounds for disciplinary action up to and including termination.

Harassment or discrimination against an applicant, unpaid intern, volunteer, or employee by a supervisor, management employee, elected or appointed official, co-worker, member of the public, or contractor on the basis of race, religion, color, sex \ (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, citizenship status, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military or veteran status, or any other protected classification as defined below, will not be tolerated.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training. Disciplinary action or other appropriate sanction up to and including termination will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.

Definitions

- A. Protected Classifications: This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, citizenship status, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), and military or veteran status.

- B. **Policy Coverage:** This Policy prohibits the City, elected or appointed officials, officers, employees, or contractors from harassing or discriminating against applicants, officers, officials, employees, unpaid interns, volunteers, or contractors because of: 1) an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.
- C. **Discrimination:** This policy prohibits treating individuals differently because of the individual's protected classification as defined in this Policy.
- D. **Harassment** may include but is not limited to, the following types of behavior that is taken because of a person's protected classification. Note that harassment is not limited to conduct that City's employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, appointed officials, persons providing services under contracts, or even members of the public:
 - a. Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
 - b. Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
 - c. Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.
 - d. Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.
- E. **Guidelines for Identifying Harassment:** To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:
 - a. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
 - b. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
 - c. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is

- complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- d. Even visual, verbal, or physical conduct between two individuals who appear to welcome the conduct can constitute harassment of a third individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
 - e. Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive.
- F. Retaliation: Any adverse conduct taken because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation: those who make good faith reports of harassment or discrimination, those who associate with an individual who is involved in reporting harassment or discrimination, and those who participate in the complaint or investigation process.
- G. Romantic or Sexual Relationships: Romantic or sexual relationships between supervisors and employees that have a direct reporting relationship are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcomed sexual relationship may change; with the result, that sexual conduct that was once welcome becomes unwelcome and harassing.

Complaint Procedure

- A. An employee, job applicant, unpaid intern, volunteer, or contractor who believes he or she has been harassed may make a complaint verbally or in writing with any of the following. There is no need to follow the chain of command:
 - a. Immediate supervisor;
 - b. Any supervisor or manager within or outside of the department;
 - c. Department head; or
 - d. Human Resources.
- B. Any supervisor or department head who receives a harassment complaint should notify Human Resources immediately.
- C. Upon receiving notification of a harassment complaint, Human Resources shall:
 - a. Provide the complainant with a timely response indicating that the complaint has been received and that a fair, timely, and thorough investigation will be conducted.

- b. Timely authorize and supervise a fair and thorough investigation of the complaint by impartial and qualified personnel and/or investigate the complaint. The investigation will afford all parties with the appropriate due process and include interviews with: 1) the complainant; 2) the accused harasser, and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
 - c. Review the factual information gathered through the investigation to reach a reasonable conclusion as to whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
 - d. Timely report a summary of the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor, and the department head. If discipline is imposed, the level of discipline will not be communicated to the complainant.
 - e. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
 - f. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.
 - g. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- D. The City takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.
- E. Option to report to outside administrative agencies: An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. Employees can check the posters that are located on City bulletin boards for office locations and telephone numbers.

Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Human Resources. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

Responsibilities

Managers and Supervisors are responsible for:

1. Informing employees of this Policy.

2. Modeling appropriate behavior.
3. Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.
4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
6. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
7. Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
8. Assisting, advising, or consulting with employees and Human Resources regarding this Policy and Complaint Procedure.
9. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with City Policy, up to and including discharge.
10. Implementing appropriate disciplinary and remedial actions.
11. Reporting potential violations of this Policy of which he or she becomes aware, regardless of whether a complaint has been submitted, to Human Resources or the department head.
12. Participating in periodic training.

Each employee or contractor is responsible for:

1. Treating all employees and contractors with respect and consideration.
2. Modeling appropriate behavior.
3. Participating in periodic training.
4. Fully cooperating with the City's investigations by responding fully and truthfully to all questions posed during the investigation.
5. Maintaining the confidentiality of any investigation that the City conducts by not disclosing the substance of any investigatory interview, except as directed by the department head or Human Resources.
6. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to his or her immediate supervisor, or department head, or Human Resources.

Dissemination of Policy

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.

References and Related Policies

Policy 31, Disciplinary Action

SVPD Photo Lineup Form 12-9-19 (1).pdf

- Blind Administration
- Blinded Administration

Case # _____



Simi Valley Police Department Photographic Lineup Instructions

You are about to be shown a group of photographs. Before you view these photographs, please listen and/or read carefully.

1. Because an officer is showing you a group of photographs should not influence your judgment in any way.
2. The person who committed the crime may or may not be in the group of photographs.
3. You are in no way obligated to identify anyone.
4. Failure to make an identification of the person who committed the crime will not end the investigation.
5. Study each photo carefully before making any comments. Consider that the photographs could be old or new, that hairstyles change and people can alter their identity by growing or shaving facial hair.
6. SPECIAL INSTRUCTIONS. _____

I declare no other instructions about the photographs, the defendant or procedures were given to me before viewing the photographic lineups.

Person viewing photographic lineup

Date and Time

Photo lineup name or ID _____ Photo selected _____

Level of certainty (Why did you pick this person?): _____

Additional comments: _____

Was pre-interview conducted? Yes No **Date** _____

Video **Audio** **Body Camera**

Officer showing photographic lineup

Officer who created photographic lineup

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

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

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

-
2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

-
5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
 - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - Definition of "hate crime" included from:
 - CPC 422.55
 - CPC 422.56
 - CPC 422.6
 - Title by title specific protocol regarding:
 - Prevention
 - Is contact is established with identified persons and/or communities who are likely targets?
 - Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - Response
 - Requirement that all hate crimes be properly investigated and supervised
 - Requirement that any hate crimes committed under the color of authority are investigated
 - Accessing Assistance
 - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - Victim assistance and follow-up
 - Reporting
 - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - Training
 - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - Does the checklist include first responder responsibilities include:
 - Determining the need for additional resources if necessary?
 - Referral information for appropriate community and legal services?
 - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - Information regarding bias motivation from CPC 422.87
 - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
----------------	--	--

WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____
			Hospital: _____
			Jail Dispensary: _____
			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Brady-Internal Policy revised 1-31-20-final.pdf



GREGORY D. TOTTEN
District Attorney

SHERIFF BILL AYUB
Ventura County Sheriff

INTERIM CHIEF KEN CORNEY
Ventura Police Department

CHIEF SCOTT WHITNEY
Oxnard Police Department

VENTURA COUNTY

LAW ENFORCEMENT COORDINATING COMMITTEE

SHERIFF WILLIAM AYUB
Ventura County Sheriff's Office
Chair

CHIEF ANDREW SALINAS
Port Hueneme Police Department

CHIEF DAVID LIVINGSTONE
Simi Valley Police Department

CHIEF MATT RODRIGUEZ
Santa Paula Police Department

CAPTAIN AARON GOULDING
California Highway Patrol

OFFICE OF THE DISTRICT ATTORNEY COUNTY OF VENTURA

BRADY DISCOVERY OF LAW ENFORCEMENT EMPLOYEE MISCONDUCT

(INTERNAL POLICY)

January 31, 2020

The following is a revised “internal” policy that addresses information in the actual possession of the District Attorney’s office as opposed to confidential information contained in peace officer personnel files. This revised internal policy reflects changes to California law, particularly 2018 Senate Bill 1421’s designation of certain peace officer personnel records as non-confidential. Litigation is pending in California to determine whether the non-confidential designation applies to conduct occurring before January 1, 2019. One Ventura County Superior Court judge ruled it does not apply to conduct occurring before January 1, 2019. This policy assumes the non-confidential designation applies only to conduct occurring on or after January 1, 2019, unless case law or the employing agency establishes otherwise. Confidential information contained in peace officer personnel files is addressed separately in an adopted policy known as the “External Policy.”

In order to comply with our discovery obligations, procedures are necessary (1) to ensure that instances of law enforcement employee and expert witness misconduct and credibility issues that come to the attention of the District Attorney's office are reviewed to determine if disclosure is required under *Brady v. Maryland* (1963) 373 U.S. 83, (2) to maintain a depository for such information, and (3) to ensure that deputy district attorneys know of the existence of such information regarding potential witnesses so that disclosure can be provided to the defense. This policy includes information that may bear on the credibility of peace officer witnesses, as well as other employees of law enforcement agencies and experts who may be witnesses in criminal cases. As explained below, some of the procedural protections contained in this policy are limited to peace officers and custodial officers, in light of the special legal obligations and protections regarding peace officer and custodial officer personnel records. (Evid. Code §§ 1043-1047; Penal Code §§ 832.5, 832.7.)

I. WHAT CONSTITUTES *BRADY* MATERIAL

- A. The District Attorney is obligated to provide the defense in criminal cases with *exculpatory* evidence that is *material* to either guilt or punishment. (*Brady v. Maryland, supra*, 373 U.S. 83, 87.) Reviewing courts define "material" as follows: "The evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." (*People v. Roberts* (1992) 2 Cal.4th 271, 330.) "Exculpatory" means favorable to the accused. This obligation includes "substantial material evidence bearing on the credibility of a key prosecution witness." (*People v. Ballard* (1991) 1 Cal.App.4th 752, 758.) Such

impeachment evidence must disclose more than “minor inaccuracies.” (*People v. Padilla* (1995) 11 Cal.4th 891, 929, overruled on other grounds, *People v. Hill* (1998) 17 Cal.4th 800, 823, fn. 1.) The California Supreme Court noted in 2019 that the duty of disclosure is borne not only by the prosecutor’s office, but also by the law enforcement agency and individual peace officers. (*Association for Los Angeles Deputy Sheriffs v. Superior Court* (2019) No. S243855, 2019 WL 4009133, 11-12, citing *Carrillo v. County of Los Angeles* (9th Cir. 2015) 798 F.3d 1210, 1219-1223 & fn. 12.)

B. Impeachment evidence is defined in Evidence Code section 780, CALCRIM No. 105, and CALJIC 2.20. Examples of impeachment evidence that may come within *Brady* are as follows:

1. The character of the witness for honesty or veracity or their opposites. (Evid. Code § 780 (e).)
2. A *bias*, interest, or other motive. (Evid. Code § 780 (f).)
3. A statement by the witness that is *inconsistent* with the witness’s testimony. (Evid. Code § 780 (h).)
4. Felony convictions involving moral turpitude. (Evid. Code § 788; *People v. Castro* (1985) 38 Cal.3d 301, 314.) Discovery of *all* felony convictions is required regarding any material witness whose credibility is likely to be critical to the outcome of the trial. (Penal Code § 1054.1 (d); *People v. Santos* (1994) 30 Cal.App.4th 169, 177.)
5. Facts establishing criminal conduct involving moral turpitude, including misdemeanor convictions. (*People v. Wheeler* (1992) 4 Cal.4th 284, 295-297.)
6. False reports by a prosecution witness. (*People v. Hayes* (1992) 3 Cal.App.4th 1238, 1244.)
7. Pending criminal charges against a prosecution witness. (*People v. Coyer* (1983) 142 Cal.App.3d 839, 842.)

8. Parole or probation status of a witness. (*Davis v. Alaska* (1974) 415 U.S. 308, 319; *People v. Price* (1991) 1 Cal.4th 324, 486.)
 9. Evidence undermining an expert witness's expertise. (*People v. Garcia* (1993) 17 Cal.App.4th 1169, 1179.)
 10. Evidence that a witness has a racial, religious or personal bias against the defendant individually or as a member of a group. (*In re Anthony P.* (1985) 167 Cal.App.3d 502, 507-510.)
- C. The duty of disclosure applies even to completed cases. (*People v. Garcia* (1993) 17 Cal.App.4th 1169, 1179.) However, it does not apply to cases in which the defendant pled guilty or no contest. (*United States v. Ruiz* (2002) 536 U.S. 622.)
- D. The government has no *Brady* obligation to “communicate preliminary, challenged, or speculative information.” (*United States v. Agurs* (1976) 427 U.S. 97, 109 fn. 16.) However, “the prudent prosecutor will resolve doubtful questions in favor of disclosure.” (*Id.* at p. 108.) See also *Kyles v. Whitley* (1995) 514 U.S. 419, 439, which warns prosecutors against “tacking too close to the wind” in withholding evidence.

II. RELATIONSHIP BETWEEN *BRADY*, THE PUBLIC RECORDS ACT, AND *PITCHESS*

- A. The defense most often obtains discovery materials directly from the District Attorney's Office. However, effective January 1, 2019, the California Public Records Act (PRA) (Government Code sections 6250 *et. seq.*) allows the defense to obtain certain non-confidential peace officer personnel records directly from the law enforcement agency. Such non-confidential records relate to (1) officer involved shootings, (2) use of force

resulting in death or great bodily injury, and (3) sustained findings of sexual assault involving a member of the public, or of dishonesty involving the reporting, investigation, or prosecution of a crime or the reporting or investigation of misconduct by another peace officer.

- B. For confidential personnel records and complaints not available under the PRA, criminal defendants may seek disclosure from the law enforcement agency pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 and Evidence Code sections 1043-1047. The *Pitchess* process operates in parallel with *Brady*. (*City of Los Angeles v. Superior Court (Brandon)* (2002) 29 Cal.4th 1, 14.) The availability of the *Pitchess* procedure does not always satisfy the obligation of the prosecution to provide material exculpatory evidence in the possession or constructive possession of the prosecution. For example, the District Attorney's office has a discovery obligation as to exculpatory information in its actual possession that may not be included in the officer's personnel file.
- C. In *Pitchess* motions, the prosecuting attorney shall request that the court issue a protective order against disclosure of the material in other cases pursuant to Evidence Code section 1045, subdivisions (d) and (e). (See *Alford v. Superior Court* (2003) 29 Cal.4th 1033.) The *Pitchess* procedure shall also apply to personnel records of peace officers employed by the District Attorney's office.
- D. Unless obtained via a PRA request, no discovery will be provided for any information in or from a law enforcement employee's personnel file without the court first examining the materials in camera. If a deputy district attorney is aware of information in a peace

officer or custodial officer's personnel file that may qualify for disclosure under *Brady*, the district attorney's office may request non-confidential information from the agency via the PRA and may file a motion for in-camera examination under *Brady* or *Pitchess* for confidential personnel file material. In addition, defense counsel may be invited to file a *Pitchess* motion.

- E. If the deputy district attorney is aware of potential *Brady* material that was disclosed through a *Pitchess* hearing that is *more than* five years old, the District Attorney's office may seek in-camera review of the materials to determine if disclosure is required.

- F. The District Attorney's office has no legal ability to examine a peace officer's personnel file solely to determine whether it contains *Brady* material. (*People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696, 713-714.) It is as yet unsettled whether the District Attorney's Office has a legal duty to obtain and discover exculpatory personnel records equally available to the defense under the PRA. However, to ensure compliance with our *Brady* obligations and to avoid unfair surprise to law enforcement witnesses and prosecutors, the District Attorney's Office will request personnel records that fall within the PRA.

III. PROCEDURE FOR REVIEW OF POTENTIAL *BRADY* INFORMATION

- A. Upon learning of any apparently credible allegation involving law enforcement employee or expert witness misconduct or credibility that may be subject to discovery under *Brady*, deputy district attorneys and district attorney investigators shall timely report this

information to their immediate supervisor. For example, evidence of untruthfulness may come to light during a criminal trial, or from credible reports of other law enforcement employees based on sources other than personnel records. Such allegations must be substantial and may not be limited to a simple conflict in testimony about an event. The notification itself ultimately might be examined in camera and/or be discovered, so carelessness in wording or premature conclusions are to be avoided. If and when such information is obtained, the District Attorney's office will conduct a thorough analysis pursuant to the procedures outlined herein to determine if it is required to disclose the information pursuant to *Brady*.

- B. Deputy district attorneys and district attorney investigators shall also advise their supervisors if they become aware of any of the following information regarding a law enforcement employee or expert witness:
1. Any information available to the attorney regarding the disclosures made pursuant to a *Pitchess* motion, and the existence of any protective or limiting order regarding future dissemination of the information. (See Evid. Code § 1045 (d) & (e).)
 2. Criminal convictions of law enforcement employees.
 3. Prosecutions requested or initiated against law enforcement employees.
 4. Rejections of requests for initiation of prosecution against law enforcement employees.
 5. Any administrative discipline imposed against a law enforcement employee that may have a bearing on credibility.
- C. Following receipt of such a report, the attorney or investigator's supervisor shall obtain

all available information concerning the alleged misconduct, including the transcript of any testimony provided, and shall forward the materials to the Chief Deputy District Attorney overseeing *Brady* matters.

- D. The Chief Deputy District Attorney shall review and analyze the materials in light of applicable law. If some cases, it may be necessary and appropriate for the District Attorney's office to obtain copies of additional court documents or police reports, or interview witnesses. However, absent extraordinary circumstances, the District Attorney's office will not seek to interview the officer in question or other employees of the employing law enforcement agency. Such investigations are generally the employing agency's responsibility under the Peace Officer's Procedural Bill of Rights Act.
- E. The standard of proof for disclosure of information shall be the "substantial information" standard. Substantial information is defined as facially credible information that might reasonably be deemed to have undermined confidence in a later conviction in which the law enforcement employee is a material witness, and is not based on mere rumor, unverifiable hearsay, or a simple and irresolvable conflict in testimony about an event.
- F. Following the initial review and analysis described above, the Chief Deputy District Attorney shall recommend, and the Chief Assistant District Attorney shall decide, which of the following conclusions is appropriate: (1) the materials do not constitute *Brady* material (see paragraph G, below); (2) it appears that disclosure may be required under *Brady* (see paragraph H, below); or (3) further investigation, including interview of the

officer in question or other employees of the employing law enforcement agency, should be undertaken by the employing law enforcement agency (see paragraph I, below).

- G. If the Chief Assistant District Attorney concludes that based on the initial review, it is clear that the materials do not constitute *Brady* material, the matter shall be closed.

- H. If it appears after the initial review that disclosure regarding a peace officer may be required under *Brady*, the officer and the head of the employing law enforcement agency will be invited to provide written comments, objections and/or additional information that may bear on the decision of what information, if any, shall be provided. Given the need to provide prompt discovery to the defense in criminal cases, the opportunity to comment, object or provide information may of necessity be brief.
 - 1. The Chief Deputy District Attorney shall evaluate all information received and shall make a recommendation to the Chief Assistant District Attorney.

Recommendations may include but are not limited to the following actions:

 - a. No further action based upon conclusion that no *Brady* material exists.
 - b. Discovery is required in a specific case only.
 - c. Discovery must be provided in additional cases in which the law enforcement employee is or was a material witness. In appropriate cases, a computer search of pending and/or past cases may be conducted so that counsel may be notified.
 - d. In some cases, presenting the material to a judge for in-camera review may be an appropriate manner of resolving the discovery issue. (See Section IV, below.)
 - e. In rare cases, blanket notification to representatives of the Public Defender's Office, Conflict Defense Associates, and Ventura County Bar

Association may be appropriate as a back-up form of notification in situations in which we cannot be confident that we have identified all of the affected parties. Such blanket notification shall be limited to a statement that *Brady* material may exist, with defense counsel to either contact the District Attorney's office and request information regarding a specific identified case, or make a motion for disclosure. Blanket notification shall not be made of confidential information obtained from peace officer personnel files via the *Pitchess* process.

2. After receipt of the recommendation, the Chief Assistant District Attorney will determine what disclosure, if any, is appropriate. If the information pertains to the credibility of a peace officer, the Chief Assistant District Attorney shall send written notification to the officer and the head of the employing law enforcement agency and shall provide a copy of the materials regarding the officer that will be provided to the defense.
3. The peace officer shall then have 30 days to respond in writing or request a meeting with the Chief Assistant District Attorney to discuss the allegation and supporting materials. An attorney or any representative may accompany the officer to the meeting. In the event that the officer requests further time and no urgency exists to complete the evaluation, the Chief Assistant District Attorney may extend the time for a written response or meeting for a reasonable period of time.
 - I. In some cases, after the initial review, the Chief Assistant District Attorney may conclude that the District Attorney's office is not in possession of sufficient information to conclude that conduct coming within *Brady* has occurred, but that further investigation is appropriate.

1. Absent extraordinary circumstances, the District Attorney's office will not seek to interview the officer or other employees of the officer's agency. In such cases, the matter shall be referred to the employing law enforcement agency to conduct an investigation in accordance with the Public Safety Officers Procedural Bill of Rights Act.
2. If, after conducting this investigation, the employing law enforcement agency concludes that the complaint is unfounded, exonerated or not sustained (see Penal Code §§ 832.5, 832.7(c)), then disclosure is not warranted because the information is "preliminary, challenged, or speculative." (*United States v. Agurs, supra.*)
3. In accordance with the External Policy, if the employing law enforcement agency sustains the complaint, the District Attorney's office shall, when the officer is a material witness in a case, request the information via the PRA or make a motion under *Pitchess* or *Brady* for the court to examine the information in camera and determine whether disclosure must be made. (See section IV, below.)
4. This policy shall not limit the authority of the District Attorney's office to conduct criminal investigations.

IV. IN CAMERA REVIEW

- A. The District Attorney's office may submit potential *Brady* evidence to a judge for in-

camera review to determine if discovery to the defense is required. (*United States v. Agurs* (1976) 427 U.S. 97, 106; *U.S. v. Dupuy* (9th Cir. 1985) 760 F.2d 1492, 1502.) The option of submitting *Brady* material for in-camera review shall be considered in all cases, in consultation with the Chief Deputy District Attorney.

- B. If the Chief Assistant District Attorney concludes that disclosure of material regarding a law enforcement officer may be required under *Brady*, the in-camera procedure shall be employed regarding the following:
1. Any materials contained in or obtained from a peace officer's personnel file, of which the District Attorney's office became aware through a *Pitchess* motion in a different case that was released without a protective order, or which is more than five years old.
 2. Material regarding any incident that is known to be the subject of a pending internal investigation by the employing law enforcement agency.
 3. Material that is remote in time or has questionable relevance to the present case.
 4. Any potentially privileged materials.
 5. When it is unclear whether the law requires the information be disclosed.
- C. Non-sworn employees of law employment agencies have a qualified right to privacy in their personnel files. (Cal. Const., art. I, § 1; *Board of Trustees v. Superior Court* (1981) 119 Cal.App.3d 516, 525-526.) Materials contained in the personnel file of a non-sworn employee shall be sought only with consent of the employee or when authorized by a court following in camera review. (Evid. Code §§ 1040, 915(b); see *Johnson v. Winter* (1982) 127 Cal.App.3d 435.)

- D. The District Attorney's office shall, in appropriate cases, request that the court issue a protective order limiting or prohibiting the disclosure of the material in other cases.

- E. If material regarding the credibility of a law enforcement employee is discovered to the defense pursuant to *Brady* after an in-camera review, the assigned deputy district attorney shall provide the Chief Deputy District Attorney with a copy of the material ordered by the judge to be discovered. The Chief Deputy District Attorney shall then include this material in the administrative file maintained for that law enforcement employee, unless the court has made a limiting order regarding disclosure of the material. If the materials ordered to be disclosed include confidential materials from an officer's personnel file that do not fall within the PRA, the fact that such materials were disclosed shall be noted, but neither the materials themselves nor the substance of those materials shall be retained in the administrative file.

V. ADMINISTRATIVE FILES

- A. The materials reviewed and memoranda of conclusions reached shall be maintained in a separate *Brady* administrative file that will be maintained in a secure location in the District Attorney's executive office area or in a secure server location with access rights limited to the District Attorney's executive team. In those cases where the review determined the misconduct allegations are subject to discovery under *Brady v. Maryland*,

a discovery *Brady* packet shall be included in the file for purposes of complying with the discovery obligation in future cases.

- B. The information contained in these administrative files shall only be accessed for case-related purposes, and a record shall be maintained as to the name of each employee who accesses the information and the case for which access was obtained.

- C. Upon written request, the District Attorney's office shall inform any law enforcement employee and/or the employing law enforcement agency whether or not a *Brady* administrative file exists regarding that employee. The employing law enforcement agency, and the affected law enforcement employee and/or his or her attorney or other representative, shall have the right to inspect the officer's *Brady* administrative file at a time mutually convenient to the parties or within 15 days of receipt of a written request for inspection. The District Attorney's office retains the right to exclude from inspection materials protected by the attorney-client, deliberative process, or official information privileges.

- D. The District Attorney's office should not retain confidential personnel records obtained via *Pitchess* from other agencies, and shall not provide such records to the defense absent an in-camera review and a court order. (See Penal Code § 832.7, subd. (a).) The employing law enforcement agency is the appropriate custodian of these records. However, the District Attorney's Office may retain and discover non-confidential personnel records obtained via the PRA.

VI. PROVIDING *BRADY* DISCOVERY TO THE DEFENSE

- A. The management assistants shall maintain a list of law enforcement employees and expert witnesses for whom administrative files have been created based on possible *Brady* material, as described above. The Chief Deputy District Attorney shall maintain a separate list (“*Brady* list”) of law enforcement employees for whom, based upon the procedures and determinations discussed in this policy, discovery of a *Brady* packet may be required when the officer is a material witness in future cases. The “*Brady* list” will be accessible only to attorneys using a shared computer drive. Deputy district attorneys must review the “*Brady* list” during trial preparation to determine whether a *Brady* packet exists for each case in which the employee is subpoenaed by or will testify on behalf of the prosecution.
- B. Disclosure of law enforcement employee misconduct is not required in a particular case if the evidence would not impact the employee’s credibility in that case. For example, if the misconduct relates to a bias against a particular racial group, discovery may not be required in cases that do not involve members of that group. The Chief Deputy District Attorney shall be consulted on all *Brady* issues regarding the credibility of law enforcement employees. If the assigned deputy district attorney is of the opinion that the *Brady* packet shall not be provided in a particular case, after consultation with the Chief Deputy District Attorney, this decision shall be documented in the administrative file for that officer. If it is not clear whether disclosure is required in a particular case, the matter shall be submitted to the court for in-camera review.

- C. Where discovery to defense counsel regarding law enforcement employee or expert witness misconduct or credibility is required, it shall be made by the deputy district attorney prosecuting the case by providing the *Brady* packet in discovery before trial. Fulfillment of the prosecution's obligation to provide discovery of *Brady* material is the sole responsibility of the individual deputy district attorney assigned to the case and shall be done without a defense request.
- D. Whenever *Brady* material is provided to the prosecutor in a case, the Chief Deputy District Attorney shall place in the administrative file for that witness a memorandum documenting that discovery was provided to the prosecutor, including the name of the case, case number, and the date the *Brady* packet was sent to the prosecutor.
- E. Deputy district attorneys reviewing declarations in support of arrest warrants and affidavits in support of search warrants shall consult the "*Brady* list" to determine if the declarant or affiant is an employee for whom the office has determined that *Brady* material must be provided. The attorney shall not approve the arrest warrant or search warrant unless it discloses a summary of the *Brady* material so that the magistrate may consider it in assessing the credibility of the individual.

VII. IMMEDIATE DISCLOSURE REQUIREMENTS

- A. The nature of the constitutional obligation created by the *Brady* doctrine and the statutory time limits for trial and for providing of discovery in criminal cases will, in certain instances, require immediate disclosure to the defense of information in the possession of or known to the District Attorney's office. In such instances, it may not be possible or feasible before the information is provided to the defense to conduct the full review procedure described above, to provide the law enforcement officer with advance notice or an opportunity to provide comments, objections, or additional information, or to provide a written response or meet with the Chief Assistant District Attorney. In such cases, immediate disclosure may be made to the defense.
- B. Immediate disclosure regarding peace officer information shall only be made under the following conditions:
1. With the express consent of the Chief Assistant District Attorney or District Attorney or, if neither of them can be contacted within the time during which discovery is required, with the express consent of a Chief Deputy District Attorney, or
 2. After the information is submitted to a judge in camera, and the judge determines that disclosure is required.
- C. In cases in which "immediate disclosure" is required, peace officers will be afforded a more abbreviated opportunity to be heard if it is feasible to do so. Once the decision to disclose has been made, both the department and the officer will be notified of the disclosure and will be provided with a copy of the materials disclosed.

VIII. ADMISSIBILITY OF EVIDENCE

Discovery and admissibility are different and the assigned deputy shall decide if admissibility of matters discovered is to be challenged.

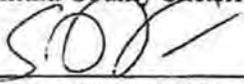
Reviewed and adopted by the following Ventura County Law Enforcement Coordinating Committee members on this 19 day of FEBRUARY, 2020.



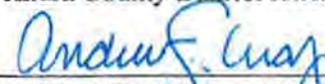
SHERIFF BILL AYUB
Ventura County Sheriff's Office



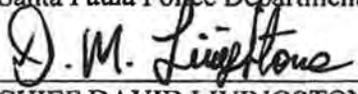
GREGORY D. TOTTEN
Ventura County District Attorney



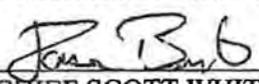
for CHIEF MATT RODRIGUEZ
Santa Paula Police Department



CHIEF ANDREW SALINAS
Port Hueneme Police Department



CHIEF DAVID LIVINGSTONE
Simi Valley Police Department



for CHIEF SCOTT WHITNEY
Oxnard Police Department



for INTERIM CHIEF KEN CORNEY
Ventura Police Department



CHIEF JOEL JUSTICE
Ventura County Community College District

2-27-20



CHIEF MICHAEL MORRIS
California State University Channel Islands

3-3-20

Line Up Form.pdf

SIMI VALLEY POLICE DEPARTMENT

PHOTOGRAPHIC LINE-UP INSTRUCTIONS

You are about to be shown a group of photographs. Before you view these photographs, please read the following carefully.

1. The perpetrator may or may not be among the persons in the identification procedure.
2. Do not feel compelled to make an identification.
3. The investigation into this crime will continue regardless of whether or not you make an identification.
4. Keep in mind that things such as hairstyles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.
5. It is just as important to exclude an innocent person as it is to identify the perpetrator.
6. Take as much time as you need.
7. Do not say anything to anyone until I talk to you after the procedure is completed.

DATE: _____

I declare that no other instructions about the photographs, the defendant or procedures were given to me before viewing the photographic line-up.

Person viewing photographic line-up

Blind

Blinded

Officer showing photos

Photo Selected

Date

Time

COMMENTS:

Marsys Card 2019.pdf

**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF VENTURA**

MEMORANDUM

November 5, 2019

TO: VENTURA COUNTY LAW ENFORCEMENT COORDINATING
COMMITTEE

FROM: GREGORY D. TOTTEN 
DISTRICT ATTORNEY

SUBJECT: OPENING OF VENTURA COUNTY FAMILY JUSTICE CENTER
AND UPDATED MARSY'S CARD TEMPLATE

I am pleased to announce the Ventura County Family Justice Center is opening Tuesday, November 12, 2019, at our new location: 3170 Loma Vista Road in Ventura. Law enforcement may begin referring victims and survivors of domestic violence, elder and dependent adult abuse, and human trafficking to this location. Sexual assault and child molest victims will continue to be seen at the two Safe Harbor locations until the Safe Harbor wing at the Family Justice Center is complete.

Please note the November 12 opening will be a “soft opening” without publicity to provide our staff and the partner agency personnel the opportunity to continue our review of workflow, procedures and operations. The grand opening event will be held on Saturday, January 11, 2020. Formal announcements and invitations will be distributed in the next few weeks.

The attached Marsy’s Card template has been updated to include the Family Justice Center location information and is provided for your use. Once the Spanish-language translation is received, we will provide it as well.

Should you or members of your staff have any questions regarding the opening, please do not hesitate to let us know.

GDT:yp

Attachment

cc: Cheryl M. Temple
Michael R. Jump

Superior Court Case No. _____

Incident Report: _____

Prosecutor: _____

Defendant: _____

Officer: _____

Telephone: _____

Telephone: _____

Date of Birth: _____

Incident Date: _____

To provide victims with rights to justice and due process
 Marsy's Card and Resources
THE VICTIMS' BILL OF RIGHTS ACT OF 2008

Ventura County District Attorney
GREGORY D. TOTTEN



On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resources. Crime victims may obtain additional information regarding Marsy's Law and Local Victim Witness Assistance Center information by contacting the Attorney General's Victim Services Unit at 1-877-433-9069.

A 'victim' is defined under the California Constitution as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim." (Cal. Const., art. 1 § 28(e).)

Local Resources

- Ventura County Family Justice Center** (805) 652-7655
 Comprehensive services for those impacted by domestic violence, sexual assault, child abuse, elder and dependent adult abuse, human trafficking and other violent crimes at one location: 3170 Loma Vista Rd., Ventura, CA 93003 <https://vcfjc.org/>
- Ventura County District Attorney's Office** (805) 654-2500
VCDAO Crime Victims' Assistance Unit (805) 654-3622
 To confer with the prosecuting agency regarding the charges filed; to assert the Marsy's Rights outlined in this handout and assistance in applying for CalVCB*
- Coalition for Family Harmony** (800) 300-2181
 Domestic violence emergency shelter and counseling.
- Interface Children & Family Services** (800) 636-6738
 Domestic violence and human trafficking emergency shelter; counseling.
- Ventura County 211** 211
 For information and referral services. www.211ventura.org
- Ventura County Probation Agency** (805) 654-2132
 Juvenile custody and release information.
- Ventura County Jail** (805) 654-3335
 Adult custody and release information venturasheriff.org/inmate-information/
- California Department of Corrections & Rehabilitation** (877) 256-6877
 State prison inmate custody, release, escape and death information;
 Notice of parole procedures. <https://www.cdcr.ca.gov/victim-services/>
- Ventura County Superior Court** www.ventura.court.ca.gov
 Information on filed criminal cases. (Defendant's name and DOB required)
- *California Victim Compensation Board** 1 (800) 777-9229
 Help for victims (and their families) of the following crime types:
 Assault, child abuse, domestic violence, drunk driving, elder abuse, hate crimes, homicide, human trafficking, online harassment, mass violence, robbery, stalking, sexual assault, and vehicular manslaughter. www.victims.ca.gov

Victims' Bill of Rights

"Marsy's Rights"

California Constitution, Article I, Section 28(b)

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution.
 - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. To the prompt return of property when no longer needed as evidence.
15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. To be informed of the rights enumerated in paragraphs (1) through (16).

A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the above rights in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.

(Cal. Const., art. I, § 28(c)(1).)

**20191105_m_VCLECC FJC Opening
and Marsy Card Update.pdf**

Superior Court Case No. _____

Incident Report: _____

Prosecutor: _____

Defendant: _____

Officer: _____

Telephone: _____

Telephone: _____

Date of Birth: _____

Incident Date: _____

To provide victims with rights to justice and due process
 Marsy's Card and Resources
THE VICTIMS' BILL OF RIGHTS ACT OF 2008

Ventura County District Attorney
GREGORY D. TOTTEN



On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resources. Crime victims may obtain additional information regarding Marsy's Law and Local Victim Witness Assistance Center information by contacting the Attorney General's Victim Services Unit at 1-877-433-9069.

A 'victim' is defined under the California Constitution as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim." (Cal. Const., art. 1 § 28(e).)

Local Resources

- Ventura County Family Justice Center** (805) 652-7655
 Comprehensive services for those impacted by domestic violence, sexual assault, child abuse, elder and dependent adult abuse, human trafficking and other violent crimes at one location: 3170 Loma Vista Rd., Ventura, CA 93003 <https://vcfjc.org/>
- Ventura County District Attorney's Office** (805) 654-2500
VCDAO Crime Victims' Assistance Unit (805) 654-3622
 To confer with the prosecuting agency regarding the charges filed; to assert the Marsy's Rights outlined in this handout and assistance in applying for CalVCB*
- Coalition for Family Harmony** (800) 300-2181
 Domestic violence emergency shelter and counseling.
- Interface Children & Family Services** (800) 636-6738
 Domestic violence and human trafficking emergency shelter; counseling.
- Ventura County 211** 211
 For information and referral services. www.211ventura.org
- Ventura County Probation Agency** (805) 654-2132
 Juvenile custody and release information.
- Ventura County Jail** (805) 654-3335
 Adult custody and release information venturasheriff.org/inmate-information/
- California Department of Corrections & Rehabilitation** (877) 256-6877
 State prison inmate custody, release, escape and death information;
 Notice of parole procedures. <https://www.cdcr.ca.gov/victim-services/>
- Ventura County Superior Court** www.ventura.court.ca.gov
 Information on filed criminal cases. (Defendant's name and DOB required)
- *California Victim Compensation Board** 1 (800) 777-9229
 Help for victims (and their families) of the following crime types:
 Assault, child abuse, domestic violence, drunk driving, elder abuse, hate crimes, homicide, human trafficking, online harassment, mass violence, robbery, stalking, sexual assault, and vehicular manslaughter. www.victims.ca.gov

Victims' Bill of Rights

"Marsy's Rights"

California Constitution, Article I, Section 28(b)

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution.
 - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. To the prompt return of property when no longer needed as evidence.
15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. To be informed of the rights enumerated in paragraphs (1) through (16).

A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the above rights in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.

(Cal. Const., art. I, § 28(c)(1).)

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
---------------	---	--

BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
--	--

HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
----------------	--	--

WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/> Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/> Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/> Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

**MOA Procedural Guidelines on OIS UOF
and In Custody Deaths March 2020.pdf**



GREGORY D. TOTTEN
District Attorney

SHERIFF BILL AYUB
Ventura County Sheriff

CHIEF DARIN SCHINDLER
Ventura Police Department

CHIEF SCOTT WHITNEY
Oxnard Police Department

VENTURA COUNTY

LAW ENFORCEMENT COORDINATING COMMITTEE

SHERIFF BILL AYUB
Ventura County Sheriff's Office
Chair

CHIEF ANDREW SALINAS
Port Hueneme Police Department

CHIEF DAVID LIVINGSTONE
Simi Valley Police Department

INTERIM CHIEF ISH CORDERO
Santa Paula Police Department

CAPTAIN JAMES FROST
California Highway Patrol

March 2020

Operational and Procedural Guidelines for Officer-Involved Shootings, In-Custody Deaths and Use-of-Force Incidents

PREAMBLE and ADOPTION

Law Enforcement Officers perform a vital role in protecting the public and enforcing the laws of the State of California. Situations will occur where peace officers must use force, including deadly force, in the lawful performance of their duties. When peace officers use force, the public has a right to expect that a thorough and neutral investigation will be conducted and all parties held legally accountable for their actions.

In view of this solemn responsibility, the Ventura County Law Enforcement Coordinating Committee (VCLECC), which includes the Sheriff, District Attorney, municipal police chiefs, and CHP Commander for Ventura County, does hereby adopt this Operational Agreement and agree, that District Attorney personnel will immediately respond to the scene of any officer-involved shooting resulting in death or injury and any in-custody death which occurs while the subject is in the custody or control of a law enforcement officer or agency and the use of force by a peace officer may be a proximate cause of serious injury or death.

PURPOSE

To establish recommended uniform guidelines within Ventura County for the investigation of officer-involved shootings resulting in death or injury, in-custody deaths, and, upon request, all other incidents involving the on-duty or off-duty use of force by a peace officer, as defined by California Penal Code sections 830.1-830.35, which results in serious injury.

INCIDENTS TO BE INVESTIGATED

This operational agreement shall apply when any of the following incidents occur within Ventura County:

- 1) A peace officer, on or off duty, shoots and kills or injures any person during the course and scope of his/her employment.
- 2) An individual dies while in the custody or control of a law enforcement officer or agency and the use of force or actions of a peace officer may be a proximate cause.
- 3) A peace officer, on or off duty, shoots at or seriously injures any person during the course and scope of employment, if requested by the agency.

SEPARATION OF CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS

Law enforcement agencies have multiple responsibilities related to the investigation of officer-involved shootings, uses of force, and in-custody deaths including: (1) whether any criminal law violation has occurred, (2) whether any participant has incurred or is at risk of incurring civil liability, (3) whether departmental policies have been followed, and (4) whether, under the circumstances, appropriate law enforcement tactics were utilized.

It is the role of the District Attorney to investigate such actions of peace officers and determine whether the peace officer(s) acted lawfully. (Gov. Code, § 26500.)

“Investigation and the gathering of evidence relating to criminal offenses is a responsibility which is inseparable from the district attorney’s prosecutorial function.” (*Hicks v. Board of Supervisors* (1977) 69 Cal.App.3d 228, 241; see also, *Triple A Machine Shop v. State of California* (1989) 213 Cal.App.3d 131, 144-145.)

It shall be the responsibility of the District Attorney to evaluate the actions of peace officers in accordance with Penal Code section 835a, effective January 1, 2020, as enacted by A.B. 392. If after a thorough review of the facts and circumstances of the incident, it is determined that the peace officer’s (s’) actions constituted a violation of the law, it shall be the responsibility of the District Attorney to determine what charges should be filed and to vigorously prosecute those offenses. If no charges are warranted, it shall be the responsibility of the District Attorney’s Office to issue a public report containing its findings and the reasons therefore.

In addition to the initial criminal review, and pursuant to Penal Code section 835a, it shall be the responsibility of the involved law enforcement agency to carefully and thoroughly evaluate whether the peace officer’s (s’) actions were consistent with agency policies.

The law enforcement agency determine whether or not an administrative inquiry is warranted, and whether or not potential civil liability exists. It is neither the duty nor

expectation of the District Attorney's Office to conduct an internal administrative or civil liability investigation.

During the course of an administrative inquiry, law enforcement agencies are authorized by law to compel their peace officers to give statements regarding matters that are the subject of administrative investigations. (Public Safety Officers Procedural Bill of Rights Act; Gov. Code, § 3300 et seq.) However, the law provides that such compelled statements and any evidence derived therefrom may be inadmissible in a state criminal prosecution. Therefore, it is very important from the outset of an investigation to clearly separate the administrative from the criminal investigation. District Attorney personnel should not be present during any compelled interview, nor should they receive any information concerning the content of a compelled statement.

Nothing contained herein is intended to increase, modify, or in any way affect the current legal standards of the departments who are signatories hereto, nor shall deviation from these guidelines be considered a breach of any legal standard.

JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved peace officer(s). The agency having original jurisdiction over the location of the shooting, use of force, or in-custody death (hereinafter "primary agency") should have primary authority over the investigation. In the case of an officer-involved shooting, in-custody death or use of force by a federal officer, the involved federal agency would have primary authority over the investigation (unless relinquished by that agency). Should there be an officer-involved shooting, in-custody death or use of force involving both local and federal officers, the primary agency and the involved federal agency will each retain authority over their respective local and federal criminal investigations.

While cooperation among involved agencies is critical, control of the criminal investigation should remain with the primary agency until final submission of the case to the District Attorney's Office unless voluntarily relinquished in whole or in part. An agency may relinquish its criminal investigation to an outside agency with the approval of the Sheriff, Chief of Police, CHP commander, or designee of both the primary agency and the agency to which control is relinquished.

If a peace officer from one agency is involved in a use of force or in-custody death as defined above, which is outside their jurisdiction, the agency employing the involved peace officer will be considered the secondary agency.

The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings, uses of force resulting in injury, and in-custody deaths:

1) Officer-Involved Shooting, Use of Force, or In-Custody Death Within One's Own Jurisdiction

The primary agency is responsible for the criminal investigation of the peace officer's (s') actions, the administrative investigation of its own peace officers, and any resulting civil litigation. The criminal review of the peace officer's (s') actions relative to the officer-involved shooting, use of force or in-custody death as defined above will be conducted by the District Attorney's Office. The criminal review of a federal officer's (s') actions, in the discretion of the District Attorney may be conducted by the U.S. Department of Justice, upon completion of the primary agency's investigation.

2) Officer-Involved Shooting, Use of Force, or In-Custody Death Involving Peace Officers from One Agency Which Occurs Within the Jurisdiction of Another Agency

If the officer-involved shooting, use of force, or in-custody death as defined above occurs in another agency's jurisdiction, the criminal investigation of the peace officer's (s') actions will be handled by the primary agency, unless relinquished to another agency. The criminal review of the peace officer's (s') actions will be conducted by the District Attorney's Office, and in the case of a federal officer, the U.S. Department of Justice upon completion of the primary agency's investigation. The secondary agency will be responsible for any administrative and/or civil investigation(s).

Investigation Responsibility Matrix

JURISDICTION	CRIMINAL INVESTIGATION OF INCIDENT	CRIMINAL/LEGAL REVIEW OF INCIDENT	CIVIL INVESTIGATION	ADMINISTRATIVE INVESTIGATION
Primary Agency Location and Peace Officers Involved	Primary Agency	District Attorney	Primary Agency	Primary Agency
Primary Agency Location: Secondary Agency Peace Officers Involved	Primary Agency	District Attorney	Secondary Agency	Secondary Agency
Primary Agency Location; Federal Officers Involved	Joint Federal and Primary Agency	U.S. DOJ or District Attorney	Federal Agency	Federal Agency

APPLICATION

This Operational Agreement will apply to peace officers employed by an agency outside Ventura County if the incident occurs within Ventura County. This Operational Agreement will not apply where peace officers from Ventura County are involved in incidents that occur outside the borders of Ventura County unless a contiguous county requests and the primary agency and District Attorney agree to assume jurisdiction.

There may be occasions where one law enforcement agency, which is a member of VCLECC, is conducting an investigation on behalf of another agency that is not a member or a signatory to this Operational Agreement. Upon request of the investigating agency and with the express consent of the non-member agency, District Attorney personnel will roll out to the scene, conduct a thorough investigation, make a determination as to whether the peace officer's (s') conduct was lawful and either file charges or issue a public report explaining their findings and conclusions.

Upon request of any law enforcement agency, the District Attorney's Office will review an officer-involved shooting, use of force resulting in injury, or in-custody death investigation for criminal violations, even if that agency is not a signatory to the Operational Agreement.

NOTIFICATION TO THE DISTRICT ATTORNEY'S OFFICE

For all incidents described above, it is the responsibility of the law enforcement agency investigating the incident to immediately notify the District Attorney's Supervising Investigator of the Major Crimes Unit or other designated District Attorney representative as soon as the area has been secured to the extent there no longer appears to be an immediate threat to safety, and emergency medical aid has been initiated. It shall be the responsibility of the District Attorney's Office to provide updated contact information to members of VCLECC and all other signatories to this Operational Agreement.

Wherever possible, the notification of the incident should be made without delay and should contain a brief summary of all the facts known at the time including the location of the incident, command post location, and any safety concerns. An early response to the scene of an investigation is critical so that District Attorney personnel may gain first-hand knowledge of such things as lighting conditions, witness demeanor, trajectories, vehicle and pedestrian traffic conditions, etc.

If the Ventura County Sheriff's Office is conducting the investigation on behalf of another agency who is a signatory to this Operational Agreement, both the Sheriff's Office and the participating agency shall notify the District Attorney's Supervising Investigator of the Major Crimes Unit or his/her designee.

GUIDELINES AND RESPONSIBILITIES

Primary Agency Shall:

- 1) Respond to take control of the scene through the Incident Command System.
- 2) If necessary, obtain a public safety statement within the confines of the Public Safety Officers Procedural Bill of Rights Act to determine the level of response necessary to properly handle the incident once the area has been secured to the

extent that there no longer appears to be an immediate threat to safety and emergency medical aid has been initiated.

- 3) Delegate a representative responsible for making necessary notification to the District Attorney's Office.
- 4) Collect and maintain custody of all physical evidence, photograph and/or diagram the scene, and interview witnesses in cooperation with District Attorney personnel.
- 5) Provide District Attorney personnel with a walk-through and initial briefing of all relevant information known at that time about the incident including but not limited to:
 - a. The names and present whereabouts of the peace officer(s) involved in the incident.
 - b. The names address and present whereabouts of all civilian witnesses to the incident.
 - c. The statements of all peace officers, if not compelled, pursuant to Government Code sections 3300, et. seq (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822).
 - d. The physical evidence discovered to date.
 - e. A summary of witness statements and the status of the investigation.
 - f. The medical condition of all injured parties.
- 6) Conduct a thorough, objective, and professional investigation of the incident, including any necessary follow-up.
- 7) Conduct an internal administrative investigation of its peace officer's (s') actions as they relate to agency policies.
- 8) Where appropriate, seek additional resources, such as psychological counselors for the peace officer(s) involved in the incident, civil liability response teams, etc.

Secondary Agency Shall:

- 1) Conduct its own internal administrative investigation of its peace officer's (s') actions as they relate to agency policies.
- 2) Where appropriate, seek additional resources, such as psychological counselors for the peace officer(s) involved in the incident, civil liability response teams, etc.

District Attorney Shall:

- 1) Assign a Senior Deputy District Attorney and a District Attorney Investigator for call-out to all officer-involved shootings involving injury or death and all in-custody deaths as defined above.
- 2) Make available a Senior Deputy District Attorney and a District Attorney Investigator for call-outs regarding any on-duty or off-duty use of force causing serious injury, and any officer-involved shooting where no injury has occurred.
- 3) Notify the investigating peace officer and the peace officer maintaining the log listing personnel at the scene immediately upon arrival.
- 4) Assist and advise the investigating peace officer on criminal law issues as they relate to the investigation.
- 5) Observe and participate with the investigative agency in the police investigation including any autopsy.
- 6) Advise and assist investigative peace officers as to the collection of evidence and the interview of witnesses, where appropriate.
- 7) Conduct an independent legal review of the incident for the exclusive purpose of determining if there is criminal liability on the part of any peace officer involved in the incident. It is understood that an independent investigation may include evidence collection and additional witness interviews.
- 8) File and prosecute all cases where legally sufficient, admissible evidence exists to prove each of the elements of the offense charged and the identity of the perpetrator beyond a reasonable doubt.
- 9) Issue a public report in all cases where no crime was committed or there is insufficient evidence to prove beyond a reasonable doubt that a crime was committed, and no criminal prosecution has been commenced.

INTERVIEWS

Civilian Witnesses

District Attorney personnel will be present and participate with the investigating agency in interviews of civilian witnesses whenever practicable. All witnesses shall be interviewed separately to maintain the integrity of their statements. Wherever possible and practical, all interviews should be electronically recorded. After final submission of the case, District Attorney personnel may conduct additional interviews as warranted.

Interviews of Peace Officers

Public safety information, such as outstanding suspect information, number and direction of rounds expended, etc., may be elicited from involved peace officer(s) by the primary agency prior to legal counsel's response to the scene, particularly where there are no peace officer witnesses.

If the primary agency, while investigating the criminal matter, determines that a statement from the involved peace officer(s), other than a public safety statement, is necessary, it shall be the policy of that agency to secure the interview only with the concurrence of the involved peace officer and his/her counsel, if he/she elects to use counsel. Coerced statements will be sought only by assigned investigators or Professional Standards/Internal Affairs personnel from the involved peace officer's (s') employing agency, and in accordance with the Public Safety Officers Procedural Bill of Rights Act.

All peace officer witnesses to the events of the incident shall be interviewed separately. The interviews should take place as soon as is practical and should be recorded. During the pendency of the investigation and prior to the interview, all witnesses or potential witnesses should be kept apart to maintain the integrity of their individual statements. When appropriate, the interviews may take place at the scene to aid the peace officer(s) in recalling and explaining the exact location of the parties and the events that took place.

It is recognized that there are times when peace officer's (s') legal counsel will advise against making a voluntary statement. Instead, customarily, the peace officer's legal counsel will offer an involuntary statement "coerced" by virtue of an administrative order by a superior officer of that peace officer's department. These coerced statements would be reserved for administrative investigations and cannot be provided to the criminal investigative team or used in any state criminal prosecution of that peace officer. As it relates to federal law enforcement personnel, each federal agency must follow the rules and regulations of its particular agency.

The District Attorney's Office will be furnished with all departmental reports associated with the criminal investigation only. Upon request of the District Attorney's Office, the primary or secondary agency will submit, or make available for inspection, the personnel records of peace officer(s) related to the underlying criminal investigation, in accordance with Penal Code section 832.7. Any compelled statements obtained from peace officer's (s') shall be redacted from any records provided to the District Attorney's Office.

INVESTIGATIVE REPORTS

It is the intent of the District Attorney's Office and participating law enforcement agencies to complete their review of these matters as quickly as possible, consistent with the primary goal of conducting a thorough and objective review of the facts. The investigating agency will submit all relevant reports regarding the incident to the assigned deputy district attorney as soon as possible. Absent unusual circumstances and depending on the policy of the investigating agency, it is the goal of all participating agencies that the final reports be submitted to the District Attorney's Office within 120 days of the incident. Depending upon the complexity of the investigation, size of the incident scene, numbers of witnesses, need to consult expert witnesses or to conduct additional forensic testing and analysis, or other miscellaneous factors, additional time may be required.

FINAL ACTION

At the conclusion of the investigation, the District Attorney's Office will review and analyze all evidence to determine whether the peace officer acted lawfully.

The crime charging standards are the same for civilians and peace officers. The District Attorney's policies regarding crime charging are set forth in the District Attorney's Legal Policies Manual and state in part:

The deputy district attorney shall charge only if the following four basic requirements are satisfied:

- a. The deputy district attorney, based on a complete investigation and a thorough consideration of all pertinent data readily available, is satisfied that the evidence shows the accused is guilty of the crime to be charged.*
- b. There is legally sufficient, admissible evidence of a corpus delicti.*
- c. There is legally sufficient, admissible evidence of the identity of the accused as the perpetrator of the crime charged.*
- d. The deputy district attorney has considered the probability of conviction by an objective factfinder hearing the admissible evidence. The admissible evidence should be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact-finder after hearing all the evidence available to the deputy district attorney at the time of charging and after consideration of the most plausible, reasonably foreseeable defense that could be raised under the evidence presented to the deputy district attorney.*

If no charges are filed, the District Attorney's Office will issue a public report. This report will address the question of whether the shooting or other actions by the peace officer(s) was/were justified under the law and, if not, whether there is proof beyond a reasonable doubt that a peace officer committed a crime. It is not the purpose of the District Attorney's investigation to determine if any peace officer violated police policy.

The District Attorney's Office will make every effort to issue a closing report containing its findings and conclusions within 60 days of the receipt of the final investigative package. An investigative package is not final until all requested follow-up investigation has been completed and submitted.

PUBLIC REPORT PROCEDURES

Whenever a peace officer shoots or seriously injures a suspect in the line of duty, or an individual dies while in the custody or control of a law enforcement officer or agency and the use of force may be a proximate cause of the death or injury, or in cases where an agency elects to request a District Attorney response as defined in this VCLECC - OIS

Operational Agreement, updated February 2020, the District Attorney's Office will commence a comprehensive review.

If after review of the facts and applicable law it is the decision of the District Attorney that the peace officer's (s') actions were not justified and there exists legally sufficient evidence to prove beyond a reasonable doubt that a crime was committed by the peace officer(s), a criminal prosecution will be commenced and the appropriate police agency notified. In such cases, no public report will be issued.

If after review of the facts and applicable law it is the decision of the District Attorney that the peace officer's (s') actions were legally justified, or cannot be proven to be a crime beyond a reasonable doubt, and no criminal charges will be filed, the District Attorney's Office will complete a comprehensive public report explaining its findings.

- 1) At the conclusion of the review of the incident, the assigned deputy district attorney will draft a public report describing the facts surrounding the incident, applicable legal authority and the conclusion of the District Attorney's Office regarding the lawfulness of the force used.
- 2) After review and approval by the Chief Deputy District Attorney - Criminal Prosecutions, the draft of the report shall be forwarded to the Chief Assistant District Attorney for review and revision.
- 3) The final draft of the report will be forwarded to the District Attorney for approval.
- 4) Once the District Attorney has approved the final draft, the report shall be forwarded to the Sheriff or Chief of Police of the primary and, if applicable, secondary agency. A memorandum from the Chief Assistant District Attorney will accompany the report and explain that the agency is being asked to review the document for factual accuracy only. The District Attorney Chief Investigator will be responsible for delivery of the draft report to the affected agency(ies). The agency(ies) will generally be given three working days to review the final draft of the report.
- 5) Following agency review, and after consideration of any additional relevant facts, the document will be finalized and prepared for distribution by the legal management assistant for the Chief Assistant District Attorney.
- 6) In the event that the incident under review resulted in death, decedent's legal representative or next of kin, if known to the office, will be provided a copy of the report before it is made public. District Attorney Bureau of Investigation personnel should hand-deliver the report.
- 7) The peace officer(s) involved shall receive an advance copy of the final report before it is made public. The report should be hand-delivered by District Attorney Bureau of Investigation personnel to the involved law enforcement officer(s) before it is made public. In addition to the report, a letter from the District Attorney explaining the decision will also be provided to the peace officer(s).

- 8) Generally, the report will be made public after 1:00 p.m. on the day chosen for publication. At that time, the office will issue a press release announcing the conclusion of the District Attorney and the availability of the report.
- 9) Copies of the report will remain at the desk of the Chief Assistant District Attorney's legal management assistant and will be provided to members of the media or the public upon request.

NEWS RELEASES AND INFORMATION REQUESTS

Unless otherwise agreed, news releases regarding the *incident being investigated* should be made by the primary agency with jurisdiction over the shooting with contribution, as appropriate, from other involved agencies.

- a) Subsequent news releases, if any, should be mutually coordinated between the agency of primary jurisdiction and affected secondary agency(ies).
- b) Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall direct those inquiries to the primary agency.

News releases regarding the *issuance of the public report* at the conclusion of the investigation shall be made by the District Attorney's Office.

Reviewed and adopted by the following Ventura County Law Enforcement Coordinating Committee members on this 15 day of July, 2020.

 SHERIFF BILL AYUB
 Ventura County Sheriff's Office

 GREGORY D. TOTTEN
 Ventura County District Attorney

 INTERIM CHIEF ISH CORDERO
 Santa Paula Police Department

 CHIEF ANDREW SALINAS
 Port Hueneme Police Department

 CHIEF DAVID LIVINGSTONE
 Simi Valley Police Department

 CHIEF SCOTT WHITNEY
 Oxnard Police Department

 CHIEF DARIN SCHINDLER
 Ventura Police Department

 CAPTAIN JAMES FROST
 California Highway Patrol

 CHIEF JOEL JUSTICE
 Ventura County Community College District

 CHIEF MICHAEL MORRIS
 California State University Channel Islands

5150 app - VC Version 04.24.20 fillable.pdf

<p>APPLICATION FOR UP TO 72-HOUR ASSESSMENT, EVALUATION, AND CRISIS INTERVENTION OR PLACEMENT FOR EVALUATION AND TREATMENT <i>Confidential Client/Patient Information</i></p>	<p><u>DETAINMENT ADVISEMENT</u></p> <p>My name is _____. I am a (peace officer/mental health professional) with (name of agency). You are not under criminal arrest, but I am taking you for examination by mental health professionals at (name of facility). You will be told your rights by the mental health staff. If taken into custody at their residence, the person shall also be told the following information: You may bring a few personal items with you, which I will have to approve. Please inform me if you need assistance turning off any appliance or water. You may make a phone call and leave a note to tell your friends or family where you have been taken.</p>	
<p>Welfare and Institutions Code (W&I Code), section 5150 (g) (1), requires that each person, at the time they are first taken into custody under this section, shall be provided, by the person who takes them into custody, the following information orally in a language or modality accessible to the person. If the person cannot understand an oral advisement, the information shall be provided in writing.</p>		
<p><input type="checkbox"/> Complete Advisement <input type="checkbox"/> Incomplete Advisement Date of Advisement/Attempt:</p>		
<p>Good Cause for Incomplete Advisement:</p>		
<p>Advisement Completed/Attempted By:</p>	<p>Position:</p>	<p>Language or Modality Used:</p>
<p>To (name of 5150 designated facility): _____ Application is hereby made for the assessment and evaluation of _____, date of birth of _____, and residing at _____, California, for up to 72-hour assessment, evaluation, and crisis intervention, or placement for evaluation and treatment at a designated facility pursuant to Section 5150, et seq. (adult) or Section 5585 et seq. (minor), of the W&I Code.</p>		
<p>If authorization for voluntary treatment is not available for a minor/conservatee, indicate to the best of your knowledge who has legal authority to make medical decisions on behalf of the minor/conservatee: (name and contact information, if available) (Check one): <input type="checkbox"/> Parent(s) <input type="checkbox"/> Legal Guardian(s) <input type="checkbox"/> Conservator <input type="checkbox"/> Other: _____ Indicate to the best of your knowledge whether the minor is under the jurisdiction of the juvenile court: (Check one): <input type="checkbox"/> W&I Code 300 (dependent) <input type="checkbox"/> W&I Code 601, 602 (ward)</p>		
<p>The detained person's condition was called to my attention under the following circumstances:</p> 		
<p>Specific facts that I have considered that lead me to believe that this person is, as a result of a mental health disorder, a danger to others, a danger to self or gravely disabled:</p> 		
<p><input type="checkbox"/> I have considered the historical course of the person's mental disorder as follows:</p> 		
<p><input type="checkbox"/> No reasonable bearing on determination <input type="checkbox"/> No information available because: _____</p>		

Please Note: A copy of this application shall be treated as the original.

**APPLICATION FOR UP TO 72-HOUR ASSESSMENT, EVALUATION, AND CRISIS INTERVENTION
OR PLACEMENT FOR EVALUATION AND TREATMENT (CONTINUED)**

OPTIONAL INFORMATION			
History Provided by (Name)	Address	Phone Number	Relation

Based upon the above information, there is probable cause to believe that said person is, as a result of mental health disorder:

- Danger to Self (DTS)** **Danger to others (DTO)**
 Gravely disabled (as defined in W&I Code section 5008 or 5585.25)

Signature, title and badge number of peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, designated members of a mobile crisis team, or professional person designated by the county.

Name:	Title/Badge Number:	Date:	Phone:
Signature: X		Time:	

Name of Law Enforcement Agency or Evaluation Facility/Person:	Address:
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NOTIFICATIONS TO BE PROVIDED PURSUANT TO SECTION 5152.1 AND/OR 8102 OF THE WELFARE AND INSTITUTIONS CODE

Notify behavioral health director/designee: _____ (Name) _____ (Phone)

and peace officer/designee: _____ (Name) _____ (Phone) of

person's release or end of detention if either of the boxes below are checked.

NOTIFICATION OF PERSON'S RELEASE IS REQUESTED BY THE REFERRING PEACE OFFICER BECAUSE:

- The person has been referred to the facility under circumstances which, based upon an allegation of facts regarding actions witnessed by the officer or another person, would support the filing of a criminal complaint.
- Weapon was confiscated pursuant to Section 8102 W&I Code.

REFERENCES

Welfare and Institutions Code

Sections: 300, 601, 602, 5008, 5150, 5150.05, 5152.1, 5328, 5585.25, 5585.50, 8102

Name of Individual Detained: _____ **DOB:** _____

Please Note: A copy of this application shall be treated as the original.

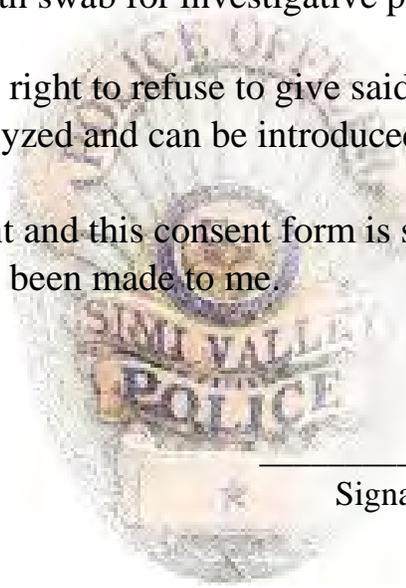
consent -Times font (002).pdf

SIMI VALLEY POLICE DEPARTMENT
CONSENT TO PROVIDE DNA SAMPLE FOR INVESTIGATION
AND LABORATORY ANALYSIS

I, _____, hereby freely and voluntarily provide Simi Valley Police Department with a mouth swab for investigative purposes.

I fully understand that I have a right to refuse to give said specimen. I, also, fully understand that said specimen will be analyzed and can be introduced into evidence in court.

I have read the above statement and this consent form is signed of my own free will without any threats or promises having been made to me.



Signature of Consenting Individual

Date / Time

Signature of Parent/Legal Guardian
(Juveniles only)

Collecting Officer/ID #

Date / Time

Serious Misconduct Definitions.pdf

Article 4. Peace Officer Certification

§ 1205. Serious Misconduct.

(a) Serious Misconduct is an act or acts, or an omission or omissions, demonstrating a lack of fitness to serve as a peace officer in the State of California. Serious misconduct includes, but is not limited to, the following:

(1) Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest, and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.

(2) Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.

(3) Physical abuse, including, but not limited to, the excessive or unreasonable use of force.

(4) Sexual assault as described in subdivision (b) of Penal Code Section 832.7, and shall extend to acts committed amongst members of any law enforcement agency.

(5) Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(6) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission. Whether a particular factual or legal determination in a prior appeal proceeding shall have preclusive effect in proceedings under this chapter shall be governed by the existing law of collateral estoppel.

(7) Participation in a law enforcement gang. For the purpose of this paragraph, a "law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in

circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

(8) Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter. For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.

(9) Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Note: Authority cited: Section 13510.8, Penal Code. Reference: Sections 832.7, 13510.8, Penal Code.

Outside Employment Auth Fillable.pdf



OUTSIDE EMPLOYMENT AUTHORIZATION REQUEST

Employee Information

Name: _____ Job Title: _____
(Last, First, Middle Initial)

Department/Division: _____ Supervisor: _____ Work Hours: _____

Outside Employment Information

Employer: _____ Phone: _____

Address: _____ Work Hours: _____
(Street, City, State, Zip Code)

Type of Business: _____ Job Title: _____

Description of Duties: _____

Certification

I have read and understand the provisions of Policy 37: Outside Employment (see reverse) and certify that my outside employment does not interfere with the performance of assigned duties or constitute a conflict of interest with my employment at the City of Simi Valley. I further certify that I will have no relationship with the City or its employees while participating in outside employment.

You are cautioned that outside employment activity that brings you into contact with on-duty City employees is prohibited. If your outside employment activity involves the performance of an act which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the City, or if your outside employment activity is otherwise inconsistent, incompatible or conflicting with the requirements set forth in California Government Code Section 1126, you may be subject to disciplinary action.

I understand that failure to observe the conditions contained in Policy 37: Outside Employment is a basis for disciplinary action as described in Policy 31: Disciplinary Action.

Employee Signature

Date

Approvals

Request is approved. Request is not approved.

Department Head

Date

Deputy Human Resources Director

Date

City Manager

Date

Distribution:
Employee
Department Head
Human Resources File

POLICY 37

OUTSIDE EMPLOYMENT

Policy Statement

All employees, including part-time and temporary employees, may engage in outside employment, if such outside employment does not interfere with the performance of assigned duties and does not constitute a conflict of interest, as determined by the City Manager.

Definition

Outside Employment: Employment other than an employee's regular job with the City of Simi Valley.

Policy

- 37.1 Relationship With City. All employees participating in outside employment will have no relationship with the City during such employment.
- 37.2 Approval of Outside Employment. The employee shall submit an Outside Employment Authorization Request form to the Department Head, requesting approval of the proposed employment prior to commencing outside employment. All outside employment is subject to approval by the Department Head and City Manager.

Revised: January 2015

Policy 33.pdf

POLICY 33

HARASSMENT, DISCRIMINATION, AND RETALIATION-FREE WORK ENVIRONMENT

Policy Statement

The City is committed to providing a work environment free of discrimination, harassment, and retaliation. The purpose of this policy is to: establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms, and to set forth a procedure for investigating and resolving internal complaints. The City encourages all covered individuals to report – as soon as possible – any conduct that is believed to violate this Policy.

Policy

33.1 **Purpose.** The City has zero tolerance for any conduct that violates this Policy. Conduct need not violate either federal or state law in order to constitute a violation of this policy. A single act by a City employee may constitute a violation of this policy and provide sufficient grounds for the City to discipline the City employee.

This policy establishes a complaint procedure by which the City will investigate and resolve complaints of discrimination, harassment and retaliation by and against City covered individuals. The City encourages all covered individuals to report any conduct that they believe violates this policy as soon as possible.

The City expressly prohibits any retaliation against an employee because they filed or supported a complaint or because they participated in the investigation or complaint resolution process. Individuals found to have retaliated against an employee in violation of this policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

33.2 **Covered Individuals and Scope of Policy.** This policy covers the following individuals: applicants for employment at the City; City employees regardless of rank or title; elected or appointed officials of the City; interns; volunteers; and contractors.

This policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Definitions

33.3 **Protected Classifications.** This Policy prohibits discrimination, harassment or retaliation because of an individual's protected classification.

“Protected Classification” includes race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 or over), sexual orientation, or military and veteran status, or any other basis protected by law.

This policy prohibits discrimination, harassment or retaliation for the following reasons: 1) an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

- 33.4 Protected Activity. This policy prohibits discrimination, harassment, and retaliation because of an individual's protected activity.

Protected activity includes, but is not limited to, the following activity: (1) making a request for an accommodation for a disability; (2) making a request for accommodation for religious beliefs; (3) making a complaint under this policy; (4) opposing violations of this policy; or (5) participating in an investigation under this policy.

- 33.5 Discrimination. This policy prohibits treating a covered individual differently and adversely because of the individual's actual or perceived protected classification; because the individual associates with a person who is or is perceived to be a member of a protected classification; or because the individual participates in a protected activity as defined in this policy.

- 33.6 Harassment This policy prohibits harassment of a covered individual because of the individual's actual or perceived protected classification. Harassment includes, but is not limited to, the following conduct:

- (a) Derogatory, offensive or inappropriate speech, such as epithets, slurs or stereotypical comments, or verbal propositions made on the basis of the individual's protected classification. This includes, but is not limited to, comments, stories, and jokes about appearance, dress, physical features, gender identification, and race.
- (b) Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes, but is not limited to, pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.
- (c) Visual acts, such as derogatory, offensive or inappropriate, posters, cartoons, emails, pictures or drawings related to a protected classification.

- (d) Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

33.7 Other Examples of Conduct That Might Constitute Harassment. Harassment includes conduct that another individual who is a member of the protected classification would find unwelcome or unwanted. Harassment may include the following:

- (a) Conduct that is not intended as to harass. Conduct may violate this policy if the conduct is directed at, or implicates a protected classification and the recipient finds the conduct to be offensive or inappropriate, even if its well-intentioned conduct (e.g., gifts, over-attention, endearing nicknames, hugs).
- (b) Conduct to which the recipient appears to have consented. The City does not recognize as a defense that the recipient appeared to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest offensive or inappropriate conduct for many legitimate reasons, including, but not limited to, the need to avoid being perceived as insubordinate or to avoid being ostracized or subjected to retaliation.
- (c) Conduct about which no employees previously complained. The fact that no employee previously complained about the same or substantially similar conduct does not mean that the conduct is inoffensive or appropriate nor does that fact preclude an employee from complaining about such conduct if it is repeated.
- (d) Conduct witnessed by a third party or about which a third party learns, even if they did not witness such conduct. Visual, verbal, or physical conduct between two (2) people who do not find such conduct to be offensive or inappropriate may constitute harassment of a third party witnesses such conduct or learns about the conduct later and finds the conduct to be offensive or inappropriate. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- (e) Conduct can constitute harassment even if the individual has no intention to harass. Conduct that may be well-intentioned conduct (e.g., gifts, over-attention, endearing nicknames, hugs) may nevertheless constitute harassment if the conduct is directed at, or implicates a protected classification, and if the individual finds such conduct inappropriate or offensive.

33.8 Retaliation: Retaliation occurs when an employer takes adverse action against a covered individual because of the individual's protected activity as defined in this policy.

“Adverse action” may include, but is not limited to, the following actions: (1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant or who participates in the investigation; (5) shunning or avoiding an individual who reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

Complaint Procedure

33.9 Complaint Procedure. A covered individual who believes they have been subjected to discrimination, harassment or retaliation may make a complaint, either orally or in writing, to any supervisor, manager, their Department Head or to the Human Resources without regard to any chain of command.

Any supervisory or management employee who receives a harassment complaint should immediately notify Human Resources. Upon receiving notification of a complaint regarding discrimination, harassment or retaliation, Human Resources will complete the following steps:

- (a) Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with the following individuals: (1) the complainant; (2) the accused (*i.e.*, the subject of the investigation); (3) witnesses to the conduct at issue in the complaint; and (4) other persons who have relevant knowledge concerning the allegations in the complaint.
- (b) Review the factual information gathered during the investigation to determine whether the alleged conduct violated the policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- (c) Prepare a summary report of the determination as to whether the conduct violated this policy and provide such report to the appointing authority (*i.e.*, City Manager). If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
- (d) If conduct in violation of this policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
- (e) Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

If the Deputy Human Resources Director or designee is accused, or a witness to the events at issue, an individual with higher authority will complete and/or delegate the above enumerated steps.

33.10 Proactive Approach. The City takes a proactive approach to potential policy violations and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

33.11 Right to File Report with Outside Administrative Agencies. An individual possesses the right to report workplace harassment, discrimination or retaliation to the Equal Employment Opportunity Commission (“EEOC”) and/or the California Civil Rights Department (“CRD”). These administrative agencies provide a complaint process as well as certain legal remedies where the applicable agency determined that a violation of the law occurred. The nearest EEOC and CRD offices are listed on the internet and in the government section of the telephone book. Employees may also check the posters that are located on City bulletin boards for EEOC and CRD office locations and telephone numbers.

33.12 Confidentiality. The City will make every effort to assure the confidentiality of complaints made under this policy to the greatest extent allowed by law. However, complete confidentiality may not be possible because of the City’s need to investigate the complaint and provide the subject of the complaint their due process rights, which include providing the subject of the investigation a copy of the complaint after the initial investigatory interview, if requested.

The City expressly prohibits an employee who is interviewed during the course of an investigation from attempting to influence other employees, including employees who may have witnessed the underlying conduct at issue, while the investigation is open and ongoing.

An employee may discuss their interview with a designated representative from the employee’s employee organization and/or the employee’s legal representative. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

33.13 Responsibilities

(a) Each non-supervisor or non-manager is responsible for the following:

- 1) Treating all individuals in the workplace or on City worksites with respect and consideration.
- 2) Modeling behavior that conforms to this policy.
- 3) Participating in periodic trainings on personnel matters.

- 4) Cooperating with the City's investigations pursuant to this policy by responding fully and truthfully and in a timely manner to all questions posed during the investigation.
 - 5) Taking no actions to influence the complainant or any potential witness while the City's investigation is ongoing.
 - 6) Reporting any act they believe in good faith constitutes harassment, discrimination or retaliation as defined in this policy, to their immediate supervisor or manager, or Department Head or the Deputy Human Resources Director.
- (b) In addition to the responsibilities listed above, each manager and supervisor is responsible for:
- 1) Informing employees under their supervision of this policy.
 - 2) Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including, but not limited to, monitoring the work environment and taking immediate and appropriate action to stop violations (e.g., removing inappropriate pictures or correcting inappropriate language).
 - 3) Receiving and responding to complaints in a uniformly fair and serious manner.
 - 4) Documenting the steps taken to resolve such complaints.
 - 5) Following up with those who have complained to ensure that the offensive conduct about which they complained has stopped and that there have been no reprisals or retaliation or threats of reprisals or retaliation.
 - 6) Informing those who complain about harassment and/or discrimination of their option to contact the EEOC or CRD and file a complaint about such activity.
 - 7) Assisting and/or advising employees regarding this policy.
 - 8) Assisting in the investigation of complaints involving subordinate employee(s).
 - 9) Where a complaint is substantiated, assisting in the development of a recommendation concerning an appropriate corrective or disciplinary action in accordance with these policies.
 - 10) Implementing appropriate corrective or disciplinary actions.
 - 11) Reporting potential violations of this policy to the Deputy Human Resources Director, regardless of whether an employee complained about such conduct.
 - 12) Participating in periodic training and scheduling employees for training.

33.14 Distribution of Policy. All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.

References and Related Policies

Policy 31, Disciplinary Action

Policy Revised: 4/4/17; 5/24/23

**HARASSMENT, DISCRIMINATION, AND
RETALIATION-FREE WORK ENVIRONMENT**

Acknowledgment Form

I acknowledge that I have received a copy of the Harassment, Discrimination, and Retaliation-Free Work Environment policy for the City of Simi Valley. I understand that I may ask my supervisor, Department Head or Human Resources any questions I might have concerning the policy. I also understand it is my responsibility to read, understand, and comply with this policy.

Printed Name

Signature

Date

PD City Org Chart 03-06-2023.pdf

SIMI VALLEY CITY COUNCIL

CITY MANAGER

**POLICE DEPARTMENT
Chief of Police**

**EMERGENCY SERVICES
MANAGER**

**ADMINISTRATIVE
ASSISTANT**

**ADMINISTRATIVE
OFFICER**

**ASSISTANT POLICE CHIEF
OPERATIONS DIVISION**

- **Patrol Bureau**
 - Field Training Officer Program
 - K9 Unit
 - Special Problems Unit
 - Mobile Field Force
 - PROS Officer
 - Bicycle Patrol Unit
 - Defensive Tactics Team
- **Traffic Bureau**
 - Accident Investigation Unit
 - Traffic Enforcement
 - Off-Road Program
 - Parking Enforcement
 - Abandoned Vehicles
 - Front Desk Services
- **Community Policing Bureau**
 - Neighborhood Resource Officers
 - School Resource Officers
 - Vulnerable Population Detective
 - Public Relations Team
 - Chaplain Program
 - Volunteer Program
- **Communications Bureau**

**ASSISTANT POLICE CHIEF
INVESTIGATION DIVISION**

- **Detective Bureau**
 - Major Crimes
 - Property Crimes
 - Crime Scene Investigators
 - Technical Services
- **Professional Standards Bureau**
 - Background & Recruitment
 - Internal Affairs
 - Department Training
 - Pitchess Motions / City Claims
 - Lexipol Administration
 - Explorer Program
 - Property & Evidence
 - Temporary Holding Facility
- **Special Enforcement Bureau**
 - Special Investigation Unit / Narcotics
 - Task Force Operations
 - SWAT Team
 - Crisis Negotiation Team
- **Records Management Bureau**

- **Fiscal Services Unit**
 - Alarm Ordinance
 - Budget
 - Business Permits
 - Grant Management/
Accounting
 - Payroll
 - Purchasing
- **Maintenance Unit**
 - Police Facility
 - Police Vehicle Fleet

Ventura County Human Trafficking Protocol.pdf

Ventura County
Human Trafficking Protocol
For
Law Enforcement



October 2020

This protocol provides recommended best practices for the investigation of human trafficking cases.

As always, officer safety and department policies should be a priority for peace officers.

Prepared by the Ventura County Human Trafficking Task Force

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Protocol Policy Statement

The primary objective of the Human Trafficking Protocol is to establish guidelines and best practices for the law enforcement investigation of human trafficking crimes in Ventura County and the reporting of crimes that have occurred in other jurisdictions. Meeting the objectives of this protocol will ensure victims receive proper care and treatment while traffickers are prosecuted to the fullest extent of local, state, or federal law. This protocol is designed to encourage a uniform reporting of criminal human trafficking cases. It entails a victim-centered and trauma-informed approach for investigating human trafficking cases by supplementing each law enforcement agency's policies, procedures, and investigative standards.

A trauma-informed approach begins with understanding the physical, social, and emotional impact of trauma the individual, as well as on the professionals who help them. This includes victim-centered practices. This approach incorporates three elements:

1. Realizing the prevalence of trauma.
2. Recognizing how trauma affects all individuals involved.
3. Responding by putting this knowledge into practice.

Using trauma-informed investigative techniques have the following benefits:

1. Victims receive the care they need.
2. Trauma-informed investigations lead to more effective interviews of victims and witnesses.
3. It maximizes the victim's cooperation with law enforcement.
4. The documentation of a trauma-informed story aide in the successful prosecution of the trafficker.

California law defines human trafficking generally as depriving or violating the personal liberty of another with the intent to obtain forced labor or services {Penal Code 236.1(a)}. The human trafficking of adults and minors for the purpose of Commercial Sexual Exploitation leads to more severe punishments {Penal Code 236.1, subdivisions (b), and (c)}. The California State Legislature established the definition in this Penal Code section to be equivalent to the United States Code Title 22, section 7102(9), which defines a severe form of human trafficking.

The three definitions of human trafficking are as follows:

1. Labor Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for subjection to involuntary servitude, debt bondage, or slavery.
2. Sex Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for a commercial sex act(s) that is induced by force, fraud, or coercion. When minors are the victims, it is not necessary to prove force, fraud, or coercion to be considered as sex trafficking.
3. Commercial Sexual Exploitation of Children (CSEC): The commercial sexual exploitation of children (CSEC) is sexual abuse of a minor for economic gain of the trafficker. It involves physical abuse, pornography, prostitution, or the smuggling of children for unlawful purposes.

This protocol advocates for robust and multidisciplinary training of law enforcement personnel to include the *dispatcher, patrol officer, investigator, and prosecutor*. The goal is to equip them with the

tools and common vocabulary used to communicate effectively and clearly with each other to identify, reduce, and ultimately eradicate the crimes of human trafficking. Secondly, the consistent training of law enforcement personnel and child welfare social workers is suggested to strengthen effective partnerships and clarify investigative responsibilities.

Leadership Committee

In 2019, law enforcement, prosecutors, probation, Ventura County Human Services Agency, various community-based organizations, and the Ventura County Agricultural Commission formed the Ventura County Human Trafficking Task Force. This collaborative group was established to identify vulnerable areas and populations where human trafficking is occurring or has a high potential to occur with an emphasis on providing victims services, prosecuting traffickers, creating robust community awareness with a public education program. The task force hereby establishes standardized protocol for all law enforcement agencies.

A governing Leadership Committee was established to determine the priority and direction of the task force, based on community needs in Ventura County. The Leadership Committee consists of law enforcement, local and state elected officials, community-based organizations, and victim advocacy groups. The Leadership Committee consists of the following members and organizations:

- William Ayub, Sheriff, Ventura County Sheriff's Office
- Gregory Totten, District Attorney, Ventura County District Attorney's Office
- Jacqui Irwin, Assembly Member District-44, California State Assembly
- Darin Schindler, Chief of Police, Ventura Police Department
- Scott Whitney, Chief of Police, Oxnard Police Department
- David Livingstone, Chief of Police, Simi Valley Police Department
- Ismael Cordero, Chief of Police, Santa Paula Police Department
- Andrew Salinas, Chief of Police, Port Hueneme Police Department
- James D. Frost, Captain, California Highway Patrol – Ventura Area Office
- Melissa Livingston, Director, Ventura County Human Services Agency
- Mark Varela, Director, Ventura County Probation Agency
- Ed Williams, Commissioner, Ventura County Agricultural Commissioner's Office
- Tyler McCurdy, Supervisory Resident Agent, Federal Bureau of Investigation – Ventura
- Paul Chang, Anti-Human Trafficking Coordinator, United States Department of Labor
- Kim Meyer, Assistant United States Attorney, United States Attorney's Office
- Shannon Sergey, C.E.O. and President, Forever Found
- April DePretis, Founding Member, Ventura County Coalition Against Human Trafficking
- Erik Sternad, Executive Director, Interface Children, and Family Services
- Arcenio Lopez, Executive Director, Mixteco/ Indigena Community Organizing Project
- Brad Myles, C.E.O., Polaris Project

Dispatcher's Role

1. During the initial call, dispatchers should make every effort to comfort the victim and make them feel safe and supported. Dispatchers are encouraged to reassure the victim that calling law enforcement was the correct thing to do. Victims of human trafficking often reach out to law enforcement only when they are in dire need of medical or emotional assistance.
2. When speaking to a victim of human trafficking, the dispatcher(s) should not discuss the victim's desire to "press charges," "drop charges," or "prosecute." Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate. Dispatchers should not dissuade or give legal advice to a victim on how to handle their situation. Dispatchers should send law enforcement officers to the scene to investigate and remain supportive when speaking with the caller.
3. The safety of human trafficking victims shall be the primary concern. Dispatchers should advise the victim to leave any unsafe location if it can be done safely and wait for law enforcement officers to arrive.
4. Dispatchers should attempt to get all pertinent information such as victim's name, date of birth, where they are originally from, and any family contact information. Many victims are assigned aliases by traffickers. Dispatchers should attempt to obtain all names used, social media titles, or any identifying information.
5. Dispatchers should attempt to get information such as hotel room numbers or potential additional victims' locations.
6. Dispatchers should obtain information about the suspect(s) such as name, age, physical description, tattoos, or any identifying information. Dispatchers should inquire about the presence of weapons or whether the trafficker has been known to carry weapons in the past. Dispatchers should also inquire about the use of drugs or alcohol by any of the involved parties. If possible, trafficker information, associated vehicle and phone numbers could be vital information for responding units.
7. When possible, dispatchers should encourage the victim to stay on the phone until law enforcement officers arrive.
8. If speaking to a reporting party, who is not identified as a victim, dispatchers should attempt to obtain all pertinent details as described above.

Human trafficking may be present in a variety of calls for service, including but not limited to: assault, battery, child abuse, criminal threats, dissuading a witness, domestic violence, false imprisonment, gang activity, kidnapping, missing persons, narcotics, pandering, pimping, prostitution, robbery, sexual assault, and self-initiated during traffic stops or probation searches. Dispatchers should consider that human trafficking may be occurring, even if not immediately apparent.

Dispatchers should attempt to distinguish, if possible, the form of trafficking alleged. For example, only labor trafficking might be alleged, or both labor and sex trafficking might be suspected or named. Dispatchers should correctly identify the type of incident in call logs, according to the kind of human trafficking alleged or suspected by the call-taker.

The dispatcher should give a human trafficking incident call the same priority as any other life-threatening call as warranted. Human traffickers move victims quickly and frequently to avoid detection, so law enforcement should respond as quickly as possible.

Jurisdiction

The dispatcher who receives a suspected human trafficking call should dispatch officers to every reported incident that is occurring within their jurisdiction. If the incident is occurring outside the jurisdiction, the dispatcher should obtain as much information as possible prior to transferring the call to the appropriate jurisdiction.

The dispatcher should remain on the call until the correct jurisdiction answers the call and receives the information.

Reports of Human Trafficking

If the victim reports a crime in Ventura County and the crime occurred outside of the County, the responding agency shall still respond to the victim's location and ensure their safety and provide medical or emotional support if needed. The officers should obtain preliminary information such as type of crime, location of incident and additional victim locations. Human trafficking victims are often not oriented to places or locations and do not know jurisdictional boundaries.

Watch Commanders shall notify the law enforcement agency where the crime occurred. Both agencies should coordinate the appropriate notification and response. If the agency where the human trafficking occurred is unable to travel to the victim's location, the responding agency should author a courtesy report and forward it to the appropriate jurisdiction where the crime occurred.

Victim Services

If the victim is in Ventura County at the time of the report, local victim services should still be offered regardless of where the crime occurred.

First Responder Duties

Per California Penal Code 236.2, a peace officer shall use due diligence to identify all victims of human trafficking, regardless of citizenship, whenever he or she comes into contact with a person who is or has been:

1. Deprived of his or her personal liberty;
2. A minor who has engaged in a commercial sex act;
3. A person suspected of violating subdivision (a) or (b) of Section 647;
4. Or a victim of a crime of domestic violence or sexual assault.

To assess whether human trafficking is or has occurred, a peace officer should consider whether any of the following indicators of human trafficking are present:

1. Signs of trauma, fatigue, injury, malnutrition, abuse, intimidation, isolation, or other evidence of poor care;
2. The person is withdrawn, afraid to talk, or his or her communication is censored by another person;
3. The person does not have freedom of movement (e.g., the person lives and works in the same place or are dropped off every day with other workers by the same person);
4. The person owes a debt to an employer;
5. The person does not have control of their identifying information (e.g., passport, work permits, government documents, driver's license);
6. The person does not speak English or is not oriented about where they are;
7. The person is not in control of their money and may only receive small portions of cash as payment, or the person's workplace does not have a time clock, ledger, posted schedule, or fair labor signs in plain view;
8. The person avoids eye contact with law enforcement or will not speak for themselves and appears to be very submissive to their employer or trafficker;
9. The person is in possession of a combination of items related to sex trafficking, including large sums of cash, gift cards, multiple cell phones, suspicious tattoos (brandings, tattoos of crowns) hotel key cards, pre-paid cards, luggage, condoms;
10. The person is with a suspiciously older person who portrays himself or herself as the victim's "boyfriend" or "girlfriend."

Due to control tactics used by traffickers, victims often undergo physical or mental trauma, which may result in them being unwilling to trust law enforcement. In some instances, victims who are commercially sexually exploited may not even see themselves as victims of crime. Patrol officers are encouraged not to appear rushed, intently listen, and to attend to the victim's immediate needs. Trying to remove the victim from the scene where they have been victimized can assist in the rapport building stages. If possible, officers should separate the victim from his/her cell phone and remove their sim card or put the phone into airplane mode while speaking to them. This will prevent any third party from listening in, interrupting the conversation, or any attempt to wipe the phone of its data. Officers should record conversation and make note of non-spoken gestures or behaviors while the victim is in the officer's care. These observations and recordings may provide very compelling evidence during a subsequent prosecution of their traffickers or facilitators.

Arrival at Scene:

Peace officers who respond to suspected human trafficking calls should employ similar officer safety

and investigative protocols as they would when responding to a call involving domestic violence. Peace officers should:

1. Follow officer safety tactics.
2. Human traffickers may be armed and part of sophisticated organizations.
3. Additional suspects may be involved and may be present at the scene or at nearby locations.
4. Victims may be armed for self-protection.
5. Ensure department issued body-worn camera and/or audio recorder is activated.
6. Determine if suspect(s) are still at the scene.
7. If reasonable suspicion of criminal activity exists detain suspects.
8. Determine the location and condition of the victim(s).
9. Provide Emergency Medical Services, if injuries claimed or observed.
10. Separate all parties involved including victims.

Questions to Consider directed towards potential victims:

1. Do you feel safe to speak with me now?
2. Would you like translation services?
3. Would you rather speak to me at another location?
4. Are you free to leave without a companion?
5. What types of labor are you participating in?
6. Are you required to have sex as part of your job?
7. Have you been raped or forced to participate in sexual acts against your will?
8. Is someone holding on to your passport, driver's license, children, animal, or other personal property to prevent you from leaving?
9. Have you been threatened or abused by your employer?
10. How do you advertise your services?
11. Does someone else do it for you?
12. Does anyone else write your advertisements?
13. Does someone use your pictures to advertise?
14. How do you get paid for your services?
15. What percentage of the money do you keep?
16. Do you have children in common with trafficker?

The existence of the elements of a crime shall solely determine whether an arrest or further investigation is appropriate. The following factors *shall not* influence an officer's decision to arrest or further investigate a human trafficking case except as they relate to the elements of the crime:

1. The victim's desire not to prosecute or have the suspect arrested.
2. The victim's immigration status.
3. The fact that the victim seems complicit in their exploitation.
4. The fact that the victim may have also committed a crime.
5. The victim's emotional state or state of sobriety.
6. The potential victim's financial consequences of the trafficker's arrest.
7. Verbal assurances that exploitative behavior will cease.
8. The victim's criminal history.
9. The victim's antagonistic or hostile attitude towards law enforcement.
10. The victim's relationship with the suspect.

Evidence and Crime Scene Preservation:

1. Photograph the scene or living conditions, the victim's condition, physical marks, the proximity/behavior of potential trafficker/buyer, the presence of other possible victims.
2. Photograph and book into evidence any indicia of trafficking including, but not limited to, contraceptive devices such as condoms, sponges, enemas or douches, lubricants, wipes, sex toys, lingerie, cash, gift cards, window or other coverings designed to shield the occupants of a room from detection, and any surveillance items such as cameras.
3. Document the presence, if any, of used contraceptive devices.
4. A body worn camera (BWC) or recording device should be activated at all times while interacting with the victim. Notation of BWC in report.
5. A sex trafficking case, including a Commercial Sexual Exploitation of Children case should be treated as a sexual assault/child abuse investigation. Refer to sex crimes protocol.
6. Collect evidence that signals labor trafficking, including forced labor or labor fraud that is in plain view.
7. Seek documentation for all payments and travel, if possible (including pay stubs, visas, plane tickets, bank transfers).
8. Assist the victim's acquisition of any personal property, especially identification documents, that may be in the suspect's possession, by seeking the suspect's consent, and documenting who is in possession and location of the property held.
9. Seek documentation for any innocent explanations provided by the suspect.
10. If consent is not given by suspect for searching, consider securing the scene, and consult with detectives for consideration of a search warrant.
11. Canvas the surrounding neighbors' businesses, and hospitality staff, for video evidence/witness statements.
12. Document cash or gift cards and their location, whether with the victim, suspect, or in the location.

Victim Services:

1. Advise the victim of his/her rights and services that may be available, even if the victim refuses these services. Have handout or business card available for future contact.
2. Advise the victim that medical, mental health treatment or support is available.
3. Follow Domestic Violence or Sexual Assault Protocol if applicable.
4. Contact your Human Trafficking Detective(s) to brief the incident and request a victim advocate from Interface Children & Family Services' Human Trafficking Task Force Victim Services if the victim accepts or requests for one. The Detective will contact the on-call human trafficking victim advocate. The advocate should be able to respond to law enforcement 24 hours, seven days a week, arriving at the scene within ninety minutes after receiving the call to provide immediate support and possible crisis case management.
5. If possible, contact the assigned to Human Trafficking District Attorney as soon as practicable and brief them on the facts of the case.
6. Law enforcement officers should be cognizant that victims of human trafficking may be in need of basic necessities such as food, clothing, and hygiene items and do their best to provide them. Contact your Human Trafficking detective to assist if hygiene items are needed.
7. Transport or arrange for transportation to victim service center.

8. Marsy's Law, The California Constitution article I, 28, section (b) provides victims with the following rights; To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

Criminal Charges:

1. If the victim is found to be in violation of 647(b), (Prostitution), or P.C. 653.22 (Loitering to Commit Prostitution) and refuses victim services, officers should consider citing the victim for the above-mentioned violations. The citation will allow investigators and victim advocates a second chance at the court date to contact the victim and to provide them services.
2. If the victim is in violation of other statutes not related to prostitution, the victim shall be offered services and should be arrested for those criminal violations. An example of this would be if the victim was in possession of a firearm or commits a violent felony.

Dealing with Minors:

1. If the victim is a minor, each department should follow its own policy for dealing with juveniles. Law enforcement should identify the real name and birthdate of the minor and check to see if the minor is a missing person or a runaway. When a juvenile victim is found to be a missing person, the law enforcement officer shall notify the assigned investigator and shall document the location of the missing person in the appropriate report. The officer shall notify other involved agencies and refer the case to Child and Family Services. Child and Family Services will arrange for care of the minor.
2. During human trafficking investigations, it is common to locate juvenile victims who are being trafficked. After a juvenile victim is located, the officer should contact their agency's human trafficking detective(s) as soon as practical. Juvenile victims need to be rescued from their situation and provided resources. Law enforcement cannot allow these victims to be returned to their traffickers or to an unsafe living situation. Immediately call Child and Family Services and send a written follow-up report (DOJ SS8572 Suspected Child Abuse Report) to C.F.S. within 36 hours, if the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5.
3. It is the responsibility of Child and Family Services to decide where the child is placed. Law enforcement officers should Refer to their agency's policy and Welfare and Institution Codes 300 and 600 for additional guidance. One section that may provide guidance is as follows:
 - Per Welfare and Institution Code 305; Any peace officer may, without a warrant, take into temporary custody a minor: (a) When the officer has reasonable cause for believing that the minor is a person described in Section 300, and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare department to assume custody of the child.

Supervisor's Responsibility:

1. Ensure the Human Trafficking Protocol is followed, and proper notifications are made.
2. Notify Human Trafficking detectives and provide them with the information gathered from the initial investigation. Detective(s) will provide guidance to ensure proper evidence is collected and will coordinate the movement of the victim(s) to proper services through victim services providers.
3. The Supervisor of each agency should apply best practice when releasing the names of the victims to the public. Except as authorized by law, members of agencies shall not publicly disclose the name and address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code 293). All victims shall be advised of their rights pursuant to Marsy's Law (Penal Code 379.026). Per Welfare and Institute Code 827.9(a), any suspect or victim juvenile involved in human trafficking shall not have their personal information released to the public.

Follow Up Investigation

Investigators should make every effort to ensure victim safety at the point of identification. Providing victims access to an advocate will make the victim more comfortable and help to identify injuries, exposure to sexually transmitted diseases, and provide comfort for the victim's emotional and mental health. Investigators should obtain all social media profiles, internet addresses, common locations, addresses, and phone numbers. This includes the contact information of family, friends, distant relatives, service providers, etc. The investigator should collaborate often with the victim advocate and other service providers to maintain consistency and rapport with the victim.

Investigators should interview each witness separately in a comfortable, safe environment. Interviews should be conducted away from and out of sight of suspects and parents/guardians. Follow the P.O.S.T. (Peace Officer Standards and Training) F.E.T.I. (Forensic Experiential Trauma Interview) trauma-informed and victim-centered interviewing guidelines. Ask questions in a non-leading, non-suggestive, and non-judgmental manner.

Investigators should appropriately involve Human Trafficking Task Force members and if possible;

1. Review patrol reports ensuring accuracy and completeness.
2. Wear plain clothes (if possible), present identification, and make clear statements that affirm that you are there to help and that the victim is not in trouble.
3. Take time to explain who you are and role in the process, answer questions they may have, and address their fears.
4. Begin by asking the victim about their chief concerns, which may vary as widely as retaliation by the trafficker, threats of deportation, meeting basic needs, access to personal property, contact with immediate family, the safety of family in another country, the ability to pay an outstanding debt.
5. Be sensitive when asking the victim about documentation or legal status, as this may frighten or confuse the victim and interfere with building trust.
6. Allow interviewees to describe what happened to their counterparts before focusing on the victim's suffering. It is often easier for them to talk about what happened to other people initially.
7. Minimize the re-traumatization of the victim during the interview by only asking questions necessary and limit the number of people conducting the interview.
8. Do not ask questions like, "Are you a slave?" or "Are you a trafficking victim?" or "Or are you a prostitute?"
9. Be sensitive to cultural differences.
10. Conduct interviews individually and in private, remembering the victim may need an advocate present for support.
11. Connect the victim to a victim advocate who can connect them to support services, emphasizing assistance is available regardless of the investigation and prosecution (this may be a reconnection depending on if victim advocate was assigned in the initial contact with law enforcement)
12. Understand that many victims do not consider themselves as victims and may claim to have wanted to engage in certain conduct to protect their traffickers.
13. Be patient and give the victim time to stabilize and begin their recovery process.

In accordance with the legal requirements for law enforcement to provide documentation, California

Penal Code §236.5 states that:

1. Within 15 business days of the first encounter with a victim of human trafficking, as defined by Section 236.1, law enforcement agencies shall provide brief letters that satisfy the following Law Enforcement Agency (L.E.A.) endorsement regulations as found in paragraph (1) of subdivision (f) of Section 214.11 of Title 8 of the Code of Federal Regulations <https://www.uscis.gov/i-914>.
2. The L.E.A. endorsement must be filled out completely in accordance with the instructions contained on the form and must attach the results of any name or database inquiry performed. In order to provide persuasive evidence, the L.E.A. endorsement must contain a description of the victimization upon which the application is based, including the dates the trafficking in persons and victimization occurred, and be signed by a supervising official responsible for the investigation or prosecution of trafficking in persons. The L.E.A. endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or services or for a commercial sex act.
3. Where state law enforcement agencies find the grant of an L.E.A. endorsement to be inappropriate for a victim of trafficking in persons, the agency shall within 15 days provide the victim with a letter explaining the grounds of the denial of the L.E.A. The victim may submit additional evidence to the law enforcement agency, which must reconsider the denial of the L.E.A. within one week of the receipt of additional evidence (Note: The form should go to the victim's advocate or attorney so it can be included with I-914 T visa application).
4. The purpose of the endorsement is to assist victims in applying to immigration authorities for a T visa, which allows them to live and work legally in the U.S. and access certain government benefits, such as health care. The completion of this form by law enforcement does not constitute the issuance of the T-visa. That will occur through the Department of Immigration.

Present the case to the prosecutor, and if applicable:

1. Assist in coordinating the pre-file interview with the victims.
2. Provide information and feedback to assist the prosecutor in the victim credibility evaluation.
3. Complete supplemental investigative requests

Common Charges for Successful Prosecution of Human Trafficking

For successful prosecution of Traffickers and purchasers, the following charges can be found in the California State Penal Code, Labor Code, Insurance Code, Unemployment Insurance Code, and the United States Code of Law as it relates to incidences where sex and/or labor trafficking is occurring. Citations from the California Welfare Institution Code are also provided to ensure that law enforcement is aware of the statute for law enforcement to take a child into non-criminal custody for his/her safety. Review actual code sections for the full and exact language.

Before arresting or citing for any of the below codes, outside of the State Penal Codes, please consult with the appropriate Department or Agency.

STATE PENAL CODES:

136.1(a) (2)- Dissuading a Witness- Makes criminal any knowing and malicious attempts to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law

136.1(b) (1)- Dissuading a Victim- Makes criminal attempts to prevent or dissuade another person who has been the victim of a crime or witness to a crime.

186.2(a) - Criminal Profiteering Activity – Any act committed or attempted or any threat made for financial gain or advantage involving human trafficking, as defined in section 236.1.

186.3(a)- Criminal Profiteering Asset Forfeiture- Any property interest acquired through a pattern of criminal profiteering activity and all proceeds of a pattern of criminal profiteering activity, which shall include all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity are subject to forfeiture upon proof of the provisions of section 186.5(d).

207(a)- Kidnapping- Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person in this state, and carries the person into another country, state, or county.

208(a)- Kidnapping for Ransom- Kidnapping with the intent to obtain a ransom, reward, or to commit extortion or to exact from another person any money or valuable thing.

236.1(a) Human Trafficking- Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of 266, 266h, 266i, 267, 311.4 or 518, or to obtain forced labor or services. For purposes of this section, unlawful deprivation or violation of the personal liberty of another includes substantial and sustained restriction of another's liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving the threat reasonably believes that it is likely that the person making the threat could carry it out. Duress includes knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.

236.1(c)- Human Trafficking of a Juvenile- Any person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of the commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518.

236.2- Peace Officer's duty to identify victims of human trafficking- Law enforcement agencies shall use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. When a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a person suspected of violating subdivision (a) or (b) of Section 647, or a victim of a crime of domestic violence or rape, the peace officer shall consider whether the indicators of human trafficking are present.

236.5- Law Enforcement Agency (L.E.A.) endorsement- Within 15 business days of the first encounter with a victim of human trafficking, as defined by section 236.1, law enforcement agencies shall provide brief letters that satisfy the following Law Enforcement Agency Endorsement (L.E.A.) Regulations, as found in paragraph (1) of subdivision (f) of Chapter 8 of The Code of Federal Regulations. For all associated forms reference this endorsement, please visit <https://www.uscis.gov/i-914>.

261- Rape- An act of sexual intercourse accomplished with a person not the spouse of the perpetrator under force, violence, duress, menace or fear; where a person is incapable of giving legal consent; where a person is prevented from resisting because of intoxication; where a person is unconscious; were induced by artifice, pretense or concealment; under threat of retaliation; or under threat of incarceration, arrest or deportation.

262- Spousal rape- An act of sexual intercourse with the spouse of the perpetrator under force, violence, duress, menace or fear; where a person is prevented from resisting because of intoxication; where a person is unconscious; under threat of retaliation; or under threat of incarceration, arrest or deportation.

266 Rape, Abduction, Carnal Abuse of Children- Every person who inveigles (lures) or entices any unmarried female, of previously chaste character, under the age of 18 years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have an illicit carnal connection with any man.

266h- Pimping- Any person who, knowing another person is a prostitute lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or solicits or receives compensation for soliciting for the person.

266i- Pandering- Any person who procures another person for the purposes of prostitution.

267- Abduction for Prostitution- Every person who takes away any other person under the age of 18 years from the mother, father, guardian, or without their consent, for the purpose of prostitution.

273(a)- Child Endangerment- Abuse or endangering the health of a child.

273.5- Corporal Injury to Spouse or Cohabitant- corporal injury of a spouse, former spouse, cohabitant, former cohabitant, or parent of suspect's child resulting in a traumatic condition.

273.7- Disclosure of the location of trafficking or domestic violence shelter- Any person who maliciously publishes, disseminates, or otherwise discloses the location of any trafficking shelter or domestic violence shelter or any place designated as a trafficking shelter or domestic violence shelter, without the authorization of that trafficking shelter or domestic violence shelter

288.1- Lewd or Lascivious Acts with a Child- A person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child

293- Privacy Act of Human Trafficking Victims- Law enforcement must provide notice to a trafficking victim that the victim's name will become a matter of public record unless the victim requests otherwise. No law enforcement agency shall disclose the address of a person who alleges to be the victim of a sex offense or who was forced to commit an act of prostitution because he/she is the victim of human trafficking.

311.4-Child Pornography-Using minor to assist in the distribution of obscene matter-posing or modeling involving sexual conduct.

422- Criminal threats- Willfully threatening to commit a crime, which will result in death or great bodily injury to another person.

518- Extortion- Obtaining money or property from another, with his consent, induced by wrongful use of force or fear, including fear of report of immigration status, or under color of official right.

647(b)- Prostitution- An individual who solicits, or who agrees to engage in, or who engages in any act of prostitution with the intent to receive compensation, money, or anything of value from another person. An individual agrees to engage in the act of prostitution when, with the specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by another person to so engaging, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in the act of prostitution.

PENALTIES FOR COMMITTING HUMAN TRAFFICKING, ACCORDING TO THE CALIFORNIA TRAFFICKING VICTIMS PROTECTION ACT (PENAL CODE §236.1):

1. Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).
2. Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than five hundred thousand dollars (\$500,000).
3. Any person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of the commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking.

STATE LABOR CODE

3700.5- All employers are required to obtain a workers' compensation insurance policy covering their employees.

STATE INSURANCE CODE

1871.4(a)- False or fraudulent statements made in favor of or to prevent a workers' compensation insurance claim.

STATE UNEMPLOYMENT INSURANCE CODES

2117.5- Willfully failing to report payroll taxes or fraud on payroll tax reports

2118.5- Willfully failing to collect and turn over the payroll tax

UNITED STATES CODES

18 U.S.C. Subsection 1581- Peonage; obstructing enforcement.

18 U.S.C. Subsection 1584- Involuntary Servitude; Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years or both.

18 U.S.C. Subsection 1589- Forced Labor; Whoever knowingly provides or obtains the labor or services of a person- (1) by threats of serious harm to, or physical restraint against, that person or another person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process, shall be fined under this title or imprisoned not more than 20 years, or both.

18 U.S.C. Subsection 1590- Trafficking with respect to peonage, slavery, involuntary servitude, forced labor; Whoever knowingly recruits, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both.

18 U.S.C. Subsection 1591- Sex trafficking of a minor or by fraud, force, or coercion; Whoever knowingly (1) in or affection interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, or obtains by any means a person; or (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), know that force, fraud, or coercion will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act.

18 U.S.C. Subsection 1592- Holding or confiscating passport immigration documents; (a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person (1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a); (2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim

of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, shall be fined under this title or imprisoned for not more than 5 years, or both.

18 U.S.C. 1593- Mandatory restitution; (a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

CALIFORNIA LAWS Governing Responses to Commercially Sexually Exploited Children, Wards of the Court, and Abducted Children

From 2014 to the present, the expectations and responsibilities for protecting Commercially Sexually Exploited Children (CSEC) by government agencies (i.e., county welfare and probation departments and local law enforcement) do not criminalize these children and have more accountability in safeguarding children in care from exploitation.

The California Legislature enacted SB 855 into law in 2014, which explicitly identified CSEC as victims of child abuse, as reflected by the addition of subsection (b)(2) to Welfare and Institutions Code section 300, and established a state-funded CSEC program to which counties could opt-in. As part of the opt-in program, counties receive additional funding for the provision of training, prevention activities, and intervention services to CSEC or youth at risk of becoming CSEC. Participating counties must form a multidisciplinary team (MDT) to coordinate case management, case planning, and services for CSEC and must create an interagency protocol for the provision of services aimed at preventing and/or intervening in situations involving dependent youth who have been identified as CSEC or are at risk of becoming CSEC.

SB 794 also became law in 2015, which requires all child welfare and probation departments to take action to protect youth who are receiving child welfare services and are CSEC or at risk of becoming CSEC victims. Welfare & Institution Code Section 16501.35 mandates counties to implement policies and procedures requiring social workers and probation officers to:

1. Identify the youth;
2. Document youth in Child Welfare Services/Case Management System and in other records;
3. Determine appropriate services for these youth; and
4. Receive training in identification, documentation, and determination of appropriate services for these youth.

In addition, child welfare and probation departments must immediately or within 24 hours, report to law enforcement any dependent child who is identified as a CSEC victim. (Penal Code 11166, subdivision (j) (2).)

SB 794 also requires county probation and child welfare departments to develop and implement policies and procedures to expeditiously locate any dependent child missing from care. These policies and procedures must include a mandatory report to law enforcement and the National Center for Missing and Exploited Children any time a child who is receiving child welfare services and known or suspected to be a CSEC victim is missing. The report must be made immediately or within 24 hours of learning the child is missing. Law enforcement must enter the information into the National Crime Information Center (Penal Code 11166, subdivision (j) (3)).

One of the most recent pieces of legislation that were approved into law in September 2016 is Senate Bill 1322, which became effective January 1, 2017, amending Penal Code Sections 647 and 653.22. A summary of the changes to the law impacted by Senate Bill 1322 are discussed below:

1. Decriminalization of Prostitution-Related Offenses for Any Youth under 18 Years of Age:
 - a. Senate Bill 1322 amends the Penal Code to decriminalize prostitution and loitering with the intent to commit prostitution for any child under the age of 18 (Penal Code, 647, subdivision (b) (2) & 653.22, subdivision (b) (2)).

2. Juvenile Court Jurisdiction Over of a Child Alleged to Have Engaged in Conduct Described by Penal Code 647(b) or 653.22:
 - a. The amended Penal Code provisions allow for a child who is engaging in the conduct described by Penal Code sections 647(b) or 653.22 to be “adjudged a dependent child of the court” (pursuant to Welfare & Institutions Code 300, subdivision (b) (2)) if the child’s parents or guardian failed to or are unable to protect the child.
3. Temporary Custody of a Child Alleged to Have Engaged in Conduct Prescribed by Penal Code Sections 647(b) or 653.22:
 - a. An officer may take a child engaged in conduct described by Penal Code sections 647(b) or 653.22 into temporary custody without a warrant if the officer “has reasonable cause” to believe that (a) the youth’s circumstances subject him or her to being adjudged a dependent of the court under Welfare and Institutions Code, Section 300, and (b) the child: 1. Immediately needs medical care, 2. Faces imminent danger of physical or sexual abuse, or 3. The youth’s health or safety is threatened by his or her physical environment or unattended status. If the child is unattended when contacted by law enforcement, the officer must attempt to contact the youth’s parent or guardian. If the parent or guardian cannot be reached, the county welfare department is to assume custody.¹ (See Welfare and Institutions Code 300 and 305, subdivision (a).)

Temporary custody of a minor by law enforcement is also guided by California Welfare Institutions Code 305, which specifically states that²,

“Any peace officer may, without a warrant, take into temporary custody a minor, under the following circumstances:

1. When the officer has reasonable cause for believing that the minor is a person described in Section 300 as a dependent ward of the state, and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child’s health or safety. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child’s parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare department to assume custody of the child.
2. Who is in a hospital and release of the minor to a parent poses an immediate danger to the child’s health or safety.
3. Who is a dependent child of the juvenile court or concerning whom an order has been made under Section 319 when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the juvenile court.

¹ Even if the youth's parent or guardian is reached, the officer must still fulfill his or her mandatory reporter obligation (under the Child Abuse and Neglect Reporting Act) by contacting the child welfare hotline. (Penal Code 11166)

² An officer may also take a CSEC into temporary custody pursuant to previously existing law if the officer has reasonable cause to believe that the child violated court order such as leaving a court-ordered placement. Consistent with the intent of the law, as amended by SB 1322, temporary custody under this provision should be utilized as a tool to protect CSEC and not as a punitive measure.

4. Who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.”

Additionally, an officer may take a child into temporary custody without a warrant for the following reasons, pursuant to Under Welfare and Institutions Code 600 et seq.:

1. The officer has reasonable cause to believe the minor is a person described in Section 601 or 602 of the Welfare and Institutions Code. This includes minors who are habitually truant, disobedient, or violate curfew and those who have committed a crime;
2. The minor is a ward of the court and has violated an order of the juvenile court or left any placement ordered by the court; or
3. The minor is found in any street or public place suffering from any sickness or injury that requires treatment.

Finally, an officer may also take a child into protective custody if:

1. It reasonably appears to the officer that a person (e.g., a trafficker) 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; or
4. The child is an abducted child.

In exercising his or her discretion regarding whether to take a minor into temporary or protective custody, the officer should consider the minor's age, the need for immediate medical care, prior or current child welfare involvement, and risk of exposure to further abuse or exploitation. A victim in custody can be searched by law enforcement, and evidence of sexual exploitation or other abuse can be collected (e.g., a cell phone a trafficker may use to communicate with the CSEC).

Important Slang and Definitions

When investigating human trafficking crimes, law enforcement personnel should be aware of, and familiar with, some specific legal and slang terms specific to the financially motivated sex trade. They may include the following:

10-Day House/Trap House: An apartment, house, or other location where sex trafficking occurs temporarily, and victims are housed temporarily. Traffickers/exploiters regularly rotate victims through these temporary locations to keep them disoriented, disconnected, and beyond law enforcement's detection.

Bitch/Ho: An individual being exploited by the trafficker/exploiter.

Mammason/Bottom/Bottom Bitch/Bottom Girl: The highest-ranking victim in the group. They answer directly to the pimp; recruits, trains, supervises, and disciplines other individuals/victims; initially, they may be the only person who has contact with the pimp.

Broke/Breaking: The process of violently raping, beating, threatening or coercing a victim being exploited by a trafficker/exploiter.

Channels: The various local, national, and international routes traffickers/exploiters use to move their victims from place to place.

Choosin'/Choose up: When a victim picks their trafficker/exploiter, do not assume this is a voluntary choice—this can occur if a victim simply looks another trafficker/exploiter in the eyes.

Circuit: The trafficker's/exploiter's geographical travel routes to market their victims.

Coercion: Includes any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; the abuse or threatened abuse of the legal process; debt bondage; or providing and facilitating the possession of any controlled substance to a person with the intent to impair the person's judgment.

Commercial Sex Act: Any sexual conduct on account of which anything of value is given or received by any person. (Penal Code 236.1(2).)

Confidential/Privileged Communication: Information transmitted between the victim and the Human Trafficking Caseworker in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary to effectuate what the victim needs to be accomplished. (Evidence Code, 1038(c).)

Confidential Emergency Shelter/Trafficking Shelter/Safe House: A confidential location that provides emergency housing on a 24-hour basis for victims of human trafficking, including any person who is a victim under Penal Code 236.1. Penal Code 273.7(2) makes it a misdemeanor to reveal the location of a trafficking or domestic violence shelter.

Criminal Profiteering Activity: Any act committed or attempted, or any threat made for financial gain or advantage, which act, or threat may be charged as a crime under several Penal Code sections including human trafficking as defined in Penal Code section 236.1.

Daddy/Boyfriend/Pimp: The trafficker/exploiter.

Debt Bondage: The status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt the length and nature of those services are not respectively limited and defined.

Deprivation or Violation of Personal Liberty: Substantial and sustained restriction of another's liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out. (Penal Code 236.1(d)(1).)

Duress: Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim. (Penal Code 236.1(d)(2).)

Family/Stable: The group of individuals working for the pimp/trafficker/exploiter.

Federal Definition of Severe Forms of Trafficking in Persons: Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age (force not needed); or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery. The California statute now closely mirrors the Federal law.

Forced Labor or Services: Labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person. (Penal Code 236.1(e).)

Gorilla Pimp: A trafficker/exploiter who uses force, violence, and threats to exploit a victim. This trafficker/exploiter often rapes, beats, and emotionally traumatizes victims.

Human Trafficking: When any person violates the personal liberty of another with the intent to effect or maintain a felony violation of Penal Code sections 266, 266h, 266i, 267, 311.4 or 518, or to obtain forced labor or services. (Penal Code 236.1(a).)

Human Trafficking Caseworker: A person who is employed by any organization providing the programs specified in section 18294 of the Welfare and Institutions Code, whether financially compensated or not, to render assistance to victims of human trafficking, who has received specialized training in the counseling of human trafficking victims and who also meets any of one of the following requirements: has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in the counseling of human trafficking victims; has at least 40 hours of training as specified in Evidence Code 1038.2 and is supervised by an individual who qualifies as a counselor as listed above or is a psychotherapist. (Evidence Code 1010.)

Human Trafficking Caseworker Privilege is when a trafficking victim and his or her caseworker have confidential communication. Confidential communication cannot be disclosed if the privilege is asserted. The privilege can be exercised by the victim, by a person the victim has authorized to claim the privilege, or by the caseworker, if the victim is still alive. A court, after a hearing, could compel disclosure if the probative value of the information outweighs the effect of disclosure of the information on the victim, the counseling relationship, and the counseling services. (Evidence Code 1038.1.)

In House: Someone who works from inside a house.

Involuntary Servitude: A condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of legal process. Accordingly, involuntary servitude includes “a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process. This definition encompasses those cases in which the defendant holds the victim in servitude by placing the victim in fear of such physical restraint or injury or legal coercion.” (United States v. Kozminski, 487 U.S. 931, 952 (1988)).

The Life of The Game/The Life/The Game/The Sweet Life: Commercial sexual exploitation or the sex industry.

Out of Pocket: Disrespectful behavior by a victim towards Their trafficker/exploiter.

Peonage: A status or condition of involuntary servitude based upon real or alleged indebtedness.

Pimp Circle: A group of traffickers/exploiters surrounding a victim for purposes of intimidation.

Romeo Pimp: A trafficker/exploiter who uses romance and expensive gifts to gain a victim's confidence and trust, then isolates them and exploits their financial, social, and emotional dependence on the trafficker. This trafficker/exploiter often makes elaborate promises of a better life, more money, and continued luxuries.

Serving Papers: The new trafficker/exploiter notifying the old trafficker/exploiter that they no longer “own” a certain victim.

Squad: Police Officers.

Square: Someone who has never been in “the life.”

Squaring Up: Getting out of “the game.”

Stay in Pocket: Playing by the rules of “the game.”

Stroll/Track/Blade: The street or area is known for its high prostitution activity and are often assigned to victims for solicitation.

Trick/Date: The customer, purchaser, or John.

Turnout: Someone who recruits someone into “the life.”

Renegade: A person that does not have a trafficker/exploiter/pimp.

Serious Harm: Includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sex acts to avoid incurring that harm.

Wife-in-Law/Wifey: Another victim who is being exploited by the same trafficker/exploiter.

Quota: Amount of money the victim is expected to make for the trafficker/exploiter/pimp.

Commonly Contacted Resources

- Ventura County Human Trafficking Task Force members, contact Ventura County Sheriff's Dispatch line at 805-654-9511. Task Force Member's contact information will be on file with dispatch.
- Human Trafficking Task Force Members from Ventura County law enforcement agencies, please call the appropriate agencies watch commander.
- Oxnard Police Department Dispatch: 805-385-7600
- Port Hueneme Department Dispatch: 805-986-6530
- Santa Paula Police Department Dispatch: 805-525-4474
- Simi Valley Police Department Dispatch: 805-583-6950
- Ventura Police Department Dispatch: 805-339-4400
- California Highway Patrol Dispatch: 805-662-2640
- Interface Children & Family Services (800) 636-6738
24/7 Family Violence and Human Trafficking Response Hotline call 2-1-1, click 211ventura.org, or text your zip code to 898211
- Forever Found- (Juvenile Victim Services) 24/7 REACH Response Hotline- Call or Text (805) 261-1212 or Youth Referral at <http://foreverfound.org/youth-referrals>
- National Human Trafficking Hotline 888-373-7888
- Polaris Project: <https://polarisproject.org/>
- Ventura County Agriculture Commissioner's Office: 805-933-2926
- US Department of Labor Human Trafficking Office: 714-418-8620
- Human Services Agency 24 hours child abuse hotline: 805-654-3200
- Ventura County Behavioral Health: 866-998-2243

Patrol Officers 2-Sided Field Cards

PATROL OFFICER TIP CARD:

Responding to CSEC/Sex Trafficking

- Separate involved parties to interview
 - Do you feel safe to speak now & if free to leave (w/out a companion)?
 - Do you have concerns if you were to leave or we were to speak now?
 -
 - Provide qualified interpreter
 - Get social media information – screen names, etc. (victims/traffickers)
 - Collect phone numbers; Google Search
- Provide contact information for services
- Complete child abuse reporting form
- Notify C.P.S., Victim Advocate
- Ascertain WIC 300/305 status
 - Contact parents/legal guardians: history
 - Record: parents, guardians, victims
- Contact Child Advocacy Center, as needed
- Photograph tattoos, scene, electronics
- Collect electronics
- Contact Special Victims, Human Trafficking Unit and forward all reports

PATROL OFFICER TIP CARD:

Labor Trafficking

- Separate involved parties to interview
 - Do you feel safe to speak now & if free to leave (w/out a companion)? Do you have concerns if you were to leave or we were to speak now?
 - Provide qualified interpreter
- Look for signs of power & control
- Look for signs of abuse, intimidation & isolation
- Document work conditions, shift schedules, number of employees, signs of living conditions
- Determine who has control of identification papers, or lack thereof
- Photograph the scene
- Forward reports to Human Trafficking Unit and White Collared Fraud Unit

VICTIM SAFETY PLANNING

If initial contact occurs before meeting in person, allow the victim to choose time & location. If on the spot, ask if this time and location are safe? Check body language. Get qualified trauma-informed interpreters if needed.

SIGNS OF CSEC/SEX TRAFFICKING

- Cash, drugs
- Multiple cell phones
- Tattoos & language including G.F., Pimp, Mack, Daddy, Wifey, Sister, Uncle
- Rental Car
- Motel/Hotel Key Card
- Pre-paid phone cards
- Luggage
- Condoms/types of clothes
- Older Boyfriend, Uncle, Aunt,
 - Body language towards the victim
- Victim's body language: agitated, scared
- Victim's location in the vehicle

VICTIM SAFETY PLANNING

If initial contact occurs before meeting in person, allow the victim to choose time & location. If on the spot, ask if this time and location are safe? Check body language. Get qualified trauma-informed interpreters if needed.

SIGNS OF LABOR TRAFFICKING

- Lack of eye contact/submissive
- Malnourished
- Lack of vehicle
- Does not speak English
- Living on-site
- Look for van/bus
- No time clock or ledgers at site
- No posted work schedules
- No Fair Labor signs posted
- Cameras in uncommon place

Weapons Authorization Form.pdf

PD 209 Weapons Modification Form.pdf



**SIMI VALLEY POLICE DEPARTMENT
WEAPONS EXTERIOR MODIFICATION AUTHORIZATION**

Officer: _____

Date: _____

Weapon Description

Pistol Rifle

Make: _____

Caliber: _____

Model: _____

Serial #: _____

Grip Mod: _____

Gas Pedal Takedown Lever

Optic: _____

Other: _____

.....
Request to Install Exterior Modifications

I have read Policy 306 and request permission to install the above listed components to my department issued weapon.

Officer's Signature: _____

.....
Range Master Certification

I have inspected the above listed firearm and exterior modifications. I certify that it meets Department standards for the intended use. The requesting officer has demonstrated familiarity with the weapon and has qualified with it on the range with the listed components installed.

Range Master

Date

Original: Personnel File

Copy: Employee

Brady-External Policy revised 1-31-20-final.pdf



GREGORY D. TOTTEN
District Attorney

SHERIFF BILL AYUB
Ventura County Sheriff

INTERIM CHIEF KEN CORNEY
Ventura Police Department

CHIEF SCOTT WHITNEY
Oxnard Police Department

VENTURA COUNTY

LAW ENFORCEMENT COORDINATING COMMITTEE

SHERIFF WILLIAM AYUB
Ventura County Sheriff's Office
Chair

CHIEF ANDREW SALINAS
Port Hueneme Police Department

CHIEF DAVID LIVINGSTONE
Simi Valley Police Department

CHIEF MATT RODRIGUEZ
Santa Paula Police Department

CAPTAIN AARON GOULDING
California Highway Patrol

OFFICE OF THE DISTRICT ATTORNEY COUNTY OF VENTURA

PITCHESS/BRADY PROCEDURE FOR DISCLOSURE OF MATERIAL FROM LAW ENFORCEMENT PERSONNEL RECORDS (EXTERNAL POLICY)

January 31, 2020

The following is a revised “external” policy that addresses confidential information contained in peace officer personnel files. This revised external policy reflects changes to California law, particularly 2018 Senate Bill 1421’s designation of certain peace officer personnel records as non-confidential. Litigation is pending in California to determine whether the non-confidential designation applies to conduct occurring before January 1, 2019. One Ventura County Superior Court judge ruled it does not apply to conduct occurring before January 1, 2019. This policy assumes the non-confidential designation applies only to conduct occurring on or after January 1, 2019, unless case law or the employing agency establishes otherwise. Non-confidential information contained in peace officer personnel files is addressed separately in an adopted policy known as the “Internal Policy.”

I.

PURPOSE

Confidential law enforcement personnel records are protected from disclosure by the statutory procedure for *Pitchess* motions. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531; Evidence Code sections 1043-1047; Penal Code section 832.7.) Additional important protections regarding personnel records are contained in the Public Safety Officers Procedural Bill of Rights Act (Government Code section 3300 et seq.) and in the right to privacy under the California Constitution (Article I, section 1). Effective January 1, 2019, changes to Penal Code section 832.7 subject certain law enforcement personnel records to disclosure under the California Public Records Act (PRA). In particular, the changes allow the defense to obtain certain non-confidential peace officer personnel records directly from the law enforcement agency. Such non-confidential records relate to (1) officer involved shootings, (2) use of force resulting in death or great bodily injury, and (3) sustained findings of sexual assault involving a member of the public, or of dishonesty involving the reporting, investigation, or prosecution of a crime or the reporting or investigation of misconduct by another peace officer.

The District Attorney has a constitutional obligation under *Brady v. Maryland* (1963) 373 U.S. 83, to provide criminal defendants with exculpatory evidence, including substantial evidence bearing on the credibility of prosecution witnesses. In several respects under current law, the scope of the prosecution's obligations under *Brady* exceeds the information available to the defense under *Pitchess*. (*City of Los Angeles v. Superior Court (Brandon)* (2002) 29 Cal.4th 1, 12, 14.)

The prosecution's duty of disclosure extends to evidence in possession of the "prosecution team," which includes the investigating law enforcement agency. (*People v. Superior Court (Barrett)* (2000) 80 Cal.App.4th 1305; *Brandon, supra*, at p. 8; see *Brandon* at p. 12, fn. 2.) In

addition, there is federal court authority that police have a due process obligation to disclose exculpatory evidence to the prosecution. (*Jean v. Collins* (4th Cir. 2000) 221 F.3d 656; *Newsome v. McCabe* (7th Cir. 2001) 256 F.3d 747, 752.) The California Supreme Court also noted in 2019 that the duty of disclosure is borne not only by the prosecutor's office, but also by the law enforcement agency and individual peace officers. (*Association for Los Angeles Deputy Sheriffs v. Superior Court* (2019) No. S243855, 2019 WL 4009133, 11-12, citing *Carrillo v. County of Los Angeles* (9th Cir. 2015) 798 F.3d 1210, 1219-1223 & fn. 12.)

The District Attorney and Ventura County law enforcement agencies are committed to full compliance with the rights of criminal defendants to a fair trial and due process of law. We recognize that effective enforcement and prosecution of crime are jeopardized by failure to comply with discovery law and that such violations may result in the reversal of convictions, sometimes years after the trial is concluded. More importantly, we recognize that the honesty of law enforcement employees is a cornerstone of our criminal justice system. On those rare occasions when a law enforcement employee has engaged in conduct that has a negative bearing upon his or her credibility, we are obligated to disclose this information as required by law.

Because of the small number of officers in Ventura County who have *Brady* material in their personnel files, we have determined that repetitive requests to check personnel files each time subpoenas are sent out in a case would create unnecessary paperwork and personnel costs upon law enforcement agencies and the District Attorney. The California Supreme Court held in 2015 that prosecutors may not inspect peace officer personnel records merely for purposes of *Brady* compliance (*People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696, 713-714.) However, changes to section 832.7 and the PRA in 2019 expressly grant access to certain non-confidential records. As a result, we have adopted a procedure in which the law enforcement agencies advise the District Attorney's office of the names of officers who have information in their personnel files that may require disclosure under *Brady*. After such an advisement, the District Attorney's

Office will make a PRA request for non-confidential information. For information that remains confidential under the PRA, the advisement will be followed by a *Pitchess* motion, whereby potential impeachment or exculpatory material is gathered by the agency so it can be reviewed in-camera by a court. This utilizes an appropriate judicial forum to reconcile a defendant's constitutional right to a fair trial with a law enforcement employee's right to confidentiality. The procedures described herein shall also apply to personnel records of peace officers employed by the District Attorney's office.

These procedures were created after input from law enforcement agencies in Ventura County and after peace officer employee organizations were provided opportunities for input. The procedures were carefully drafted to protect the privacy interest of peace officers to the extent provided by law, while also ensuring that prosecutors are able to satisfy their constitutional responsibility to provide the defense with evidence favorable to the accused. It is anticipated that changes in this procedure will be necessary as developments occur in the case law interpreting *Brady*. Also, our experiences with the procedure may lead to the need to make modifications. Prosecutors, law enforcement agencies and peace officer associations will be kept apprised of any changes made.

II.

BRADY MATERIAL DEFINED

The District Attorney is obligated to provide the defense in criminal cases with exculpatory evidence that is material to either guilt or punishment. (*Brady v. Maryland, supra*, 373 U.S. 83, 87.) Reviewing courts define "material" as follows: "The evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." (*People v. Roberts* (1992) 2 Cal.4th 271, 330.) "Exculpatory" means favorable to the accused. This obligation includes "substantial material evidence bearing on the credibility of a key prosecution witness." (*People v. Ballard* (1991) 1

Cal.App.4th 752, 758.) Such impeachment evidence must disclose more than “minor inaccuracies.” (*People v. Padilla* (1995) 11 Cal.4th 891, 929, overruled on other grounds, *People v. Hill* (1998) 17 Cal.4th 800, 823, fn. 1.)

The government has no *Brady* obligation to “communicate preliminary, challenged, or speculative information.” (*United States v. Agurs* (1976) 427 U.S. 97, 109 fn. 16.) However, “the prudent prosecutor will resolve doubtful questions in favor of disclosure.” (*Id.* at p. 108.) See also *Kyles v. Whitley* (1995) 514 U.S. 419, 439, which warns prosecutors against “tacking too close to the wind” in withholding evidence.

Impeachment evidence is defined in Evidence Code section 780 and in CalCrim 105. Examples of impeachment evidence that may come within *Brady* are as follows:

1. The character of the witness for honesty or veracity or their opposites. (Evid. Code § 780 (e).)
2. A bias, interest, or other motive. (Evid. Code § 780 (f).)
3. A statement by the witness that is inconsistent with the witness’s testimony. (Evid. Code § 780 (h).)
4. Felony convictions involving moral turpitude. (Evid. Code § 788; *People v. Castro* (1985) 38 Cal.3d 301, 314.) Discovery of all felony convictions is required regarding any material witness whose credibility is likely to be critical to the outcome of the trial. (Penal Code § 1054.1 (d); *People v. Santos* (1994) 30 Cal.App.4th 169, 177.)
5. Facts establishing criminal conduct involving moral turpitude, including misdemeanor convictions. (*People v. Wheeler* (1992) 4 Cal.4th 284, 295-297.)
6. False reports by a prosecution witness. (*People v. Hayes* (1992) 3 Cal.App.4th 1238, 1244.)
7. Pending criminal charges against a prosecution witness. (*People v. Coyer* (1983) 142 Cal.App.3d 839, 842.)
8. Parole or probation status of a witness. (*Davis v. Alaska* (1974) 415 U.S. 308, 319; *People v. Price* (1991) 1 Cal.4th 324, 486.)

9. Evidence undermining an expert witness's expertise. (*People v. Garcia* (1993) 17 Cal.App.4th 1169, 1179.)
10. Evidence that a witness has a racial, religious or personal bias against the defendant individually or as a member of a group. (*In re Anthony P.* (1985) 167 Cal.App.3d 502, 507-510.)

For purposes of this policy, "*Brady* material" in personnel files of law enforcement agency employees is defined to include:

- a) Any sustained finding of misconduct that relates to sexual assault involving a member of the public or reflects upon the truthfulness or bias of a witness. A complaint is considered sustained for purposes of this policy when it has been approved by the agency head after a hearing pursuant to *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, if applicable, or when the discipline has been imposed, whichever occurs first. If a sustained complaint has already been overturned by a reviewing body or court based on lack of evidence of misconduct, the incident will not be considered *Brady* material and need not be reported to the District Attorney's office. If a sustained complaint has been overturned based only upon the degree of discipline imposed, it shall still be considered a sustained complaint and shall be reported to the District Attorney's office. If the law enforcement agency has notified the District Attorney's office of *Brady* information and the officer later successfully appeals the sustained complaint to a reviewing body or court, the officer should provide the District Attorney's Office with a copy of the decision on appeal so that the District Attorney's Office may reevaluate the matter.

- b) Any past conviction or pending criminal charge for a felony or moral turpitude offense, or any conviction for which the peace officer is currently on probation or other court-ordered supervision.

Because of this procedure's delegation of part of the prosecutor's affirmative duty to seek out evidence of impeachment material subject to the *Brady* rule, it is essential that the responsibility be carried out by a qualified representative of the law enforcement agency. All parties may best be served when the representative conducting the initial screening process is an attorney employed by County Counsel, the City Attorney, or other qualified counsel with legal training in this specialized area.

III.

PROCEDURE FOR JUDICIAL REVIEW

1. In order to meet constitutional *Brady* obligations and to ensure that law enforcement's statutory right to confidentiality is upheld, the District Attorney requests that each law enforcement agency search its records concerning employees of that agency. A personnel file review is requested for all peace officer employees, as well as for all Sheriff's Service Technicians, Police Services Officers, criminologists, evidence technicians, dispatchers, and other employees whose job duties may include handling evidence, documenting incidents relating to criminal cases, or who are likely to testify in criminal cases. In most instances this will have occurred already pursuant to long-standing policy.
2. Unless it has already done so, the law enforcement agency will designate a records custodian or other representative of the agency, such as the City Attorney or County Counsel, who will review the personnel records of the employees described above for sustained allegations of misconduct; convictions or pending criminal charges for felony or

moral turpitude offenses; or convictions for which the peace officer is currently on probation or other court-ordered supervision, that might require disclosure.

- a. If potential *Brady* materials exist, the agency representative will notify the Chief Assistant District Attorney or the Chief Deputy District Attorney overseeing *Brady* matters in writing of the existence of the materials. The notification to the District Attorney will state only that there may be *Brady* material regarding the employee (or that a sustained complaint was made against the employee) and the date the information was entered in the record. No actual materials from the file will be provided to the District Attorney's Office at that time.
 - b. The law enforcement agency shall provide the same written notification of its findings to the involved employee.
 - c. After a notification has been made, if the law enforcement agency learns of additional potential *Brady* material regarding an employee, the agency shall notify the District Attorney's Office of the existence of the additional information.
3. The Chief Deputy District Attorney shall maintain a list of law enforcement employees for whom law enforcement agencies have given notification that possible *Brady* material may exist, as described above. This list will be accessible only to attorneys using a shared computer drive. Deputy district attorneys must review the list during trial preparation to determine whether a law enforcement employee who is subpoenaed by or who will testify on behalf of the prosecution is on the list. Upon the request of any employee or former employee of a law enforcement agency, the Chief Deputy District Attorney shall immediately advise the employee whether he or she is included on the list.

4. After notification from the law enforcement agency, the District Attorney's Office will make a PRA request for records that fall within the PRA. The law enforcement agency will notify currently employed, affected peace officer(s) that a PRA has been received for their personnel records prior to responding to the PRA. Records received pursuant to the PRA will be maintained by the District Attorney's Office and will be provided to the prosecutor and defense counsel in each case in which the officer is a potential witness. Disclosure to the defense does not mean the information is automatically admissible in court.
5. When the District Attorney's office subpoenas or intends to call a law enforcement officer for whom notification of possible *Brady* material has been given, the District Attorney shall apply to the court for in-camera review of the records. The request for in-camera review shall be made pursuant to *Pitchess* (see Evidence Code sections 1043, 1045; *Alford v. Superior Court* (2003) 29 Cal.4th 1033, 1046) and/or *Brady* (*United States v. Agurs, supra*, 427 U.S. at p. 106; *U.S. v. Dupuy* (9th Cir. 1985) 760 F.2d 1492, 1502; *Brandon, supra*, at p. 14). As to non-sworn employees, the request shall be made pursuant to Evidence Code sections 1040 and 915(b). (See *Board of Trustees v. Superior Court* (1981) 119 Cal.App.3d 516, 525-526; *Johnson v. Winter* (1982) 127 Cal.App.3d 435.) At the time of application, the defense, the involved employee and the employing law enforcement agency will be notified of the request for in-camera review.
6. If, following in-camera review, the court orders disclosure under *Pitchess* and/or *Brady*, disclosure shall only be made to the defendant's attorney of record (or to defendant if not represented by counsel), to the involved employee, to the employing law

enforcement agency, to those members of the District Attorney's Office as needed for handling of the case, and to the court pursuant to law. The prosecuting attorney shall request that the court issue a protective order against disclosure of the material in other cases pursuant to Evidence Code section 1045, subdivisions (d) and (e). (See *Alford v. Superior Court, supra.*)

7. Under present law, court-ordered disclosure to the prosecution of material from peace officer personnel files does not obligate the prosecution to disclose the information in future cases pursuant to *Brady*. (Evidence Code section 1045(e).) To ensure that officers' privacy rights in their personnel files are protected, the District Attorney's office shall not maintain a depository of information obtained from personnel files pursuant to an in-camera hearing. Instead, *Brady/Pitchess* motions shall be made in each future case in which the officer is a material witness.

IV.

INVESTIGATIONS NOT COVERED BY THIS PROCEDURE

1. California Penal Code section 832.7, subdivision (a), provides that investigations or proceedings concerning the conduct of police officers or a police agency conducted by a Grand Jury or District Attorney's Office or the Attorney General's Office are not subject to the Evidence Code disclosure procedures. A 1993 opinion of the California Attorney General states, "As long as the investigation of the officer's conduct is a part of the prosecutor's duties. . . a District Attorney need not follow the provisions of Evidence Code Section 1043 in obtaining access to the personnel records in question." (66 Ops. Cal. Atty. Gen. 128.) The California Supreme Court clarified in 2015 that the District Attorney's Office may access personnel records as part of a criminal investigation, but does not generally have access to personnel records merely because the peace officer is a

witness in a case. (*People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696, 713-714.) Modifications to the PRA and section 832.7 in 2019 expressly permit access to certain personnel records via PRA. The Ventura County District Attorney's Office will not seek to review peace officer personnel records pursuant to section 832.7(a) except: (a) when the peace officer is a suspect in an investigation and is not merely a witness in a criminal case, (b) as ordered by the court pursuant to the in-camera review procedure of this policy, or (c) via a PRA request.

2. The District Attorney's Office sometimes learns of potential law enforcement employee misconduct outside of the procedure described in Section III, above, or outside of an in-camera review procedure. For example, evidence of untruthfulness may come to light during a criminal trial, or from credible reports of other law enforcement employees based on sources other than personnel records. The procedure in such cases is described in a separate memorandum ("Internal Policy").
3. During court proceedings, the defense at times attempts to surprise witnesses and prosecutors with lines of questioning relating to the witnesses' prior actions. Often, if the prosecutor had advance knowledge of the line of questioning, the court would have granted a motion prohibiting the inquiry. Even if the motion were not granted, the witness could be alerted to the line of questioning to avoid surprise while testifying. Thus, to avoid unfair surprise at trial, law enforcement agencies will notify the District Attorney's Office's Chief Deputy District Attorney overseeing *Brady* matters when they provide information in response to a PRA regarding prior conduct by peace officer.

V.

CONCLUSION

The purpose of this policy is to ensure that prosecutors and the defense receive sufficient information to comply with the constitutional requirements of *Brady* while protecting the legitimate privacy rights of law enforcement witnesses. This policy is not intended to create or confer any rights, privileges, or benefits to defendants or prospective or actual witnesses.

Reviewed and adopted by the following Ventura County Law Enforcement Coordinating Committee members on this 19 day of FEBRUARY, 2020.



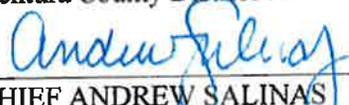
SHERIFF BILL AYUB
Ventura County Sheriff's Office



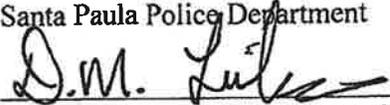
GREGORY D. TOTTEN
Ventura County District Attorney



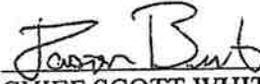
for CHIEF MATT RODRIGUEZ
Santa Paula Police Department



CHIEF ANDREW SALINAS
Port Hueneme Police Department



CHIEF DAVID LIVINGSTONE
Simi Valley Police Department



for CHIEF SCOTT WHITNEY
Oxnard Police Department



for INTERIM CHIEF KEN CORNEY
Ventura Police Department



CHIEF JOEL JUSTICE
Ventura County Community College District



CHIEF MICHAEL MORRIS
California State University Channel Islands

Performance Improvement Plan Memo.pdf

CITY OF SIMI VALLEY • MEMORANDUM

DATE: [REDACTED]

TO: [REDACTED] (Employee Name, Title)

FROM: [REDACTED] (Supervisor Name, Title)

SUBJECT: PERFORMANCE IMPROVEMENT PLAN

Please be advised that because of your demonstrated (describe behavior warranting this action) in performing your assigned duties as a (job classification), you are hereby directed to participate in a Performance Improvement Program (PIP). There are (spell out number of evaluative criteria) that are grouped into (spell out number of areas of deficiency) areas of noted deficiency that will need to be corrected during this 90-day process beginning on (date) and ending on (date).

You will be expected to meet the following standards during the course of the program and upon successful completion you will also be expected to uphold this new level of performance. The areas where improvement is required are as follows:

STANDARD #1: (Title of Criterion) – You are expected to (detail specifically the behavior that is required to get to “Meet Expectations” for each criterion).

STANDARD #2 (Title of Criterion) – You are expected to (detail specifically the behavior that is required to get to “Meet Expectations” for each criterion).

STANDARD #3: (Title of Criterion) – You are expected to (detail specifically the behavior that is required to get to “Meet Expectations” for each criterion).

HOW TO IMPROVE YOUR PERFORMANCE

In order to assist you in meeting acceptable performance standards, I will work with you on a regular basis. To this end, weekly meetings will be set up on (day of week and time). These meetings may be rescheduled on an as-needed basis. You will receive training on improving the deficiencies listed above, as necessary. You will also receive regular job performance evaluations at the 30-, 60-, and 90-day milestones in above-noted areas of deficiency:

Upon satisfactory completion of this 90-day PIP, you will be expected to maintain an acceptable level of performance in all of these areas without additional supervisory oversight. This performance evaluation will focus not only on quantity, but also quality. Be further advised that failure to achieve acceptable levels of performance may result in further disciplinary action, up to and including termination of your employment.

I understand the contents of this memorandum and I have received a copy.

Performance Improvement Plan
(Employee Name, Date of Memo)
Page 2

 (Employee Name) Date

Attachment

cc: Deputy Director/Human Resources
Personnel File

DV Protocol Executed Final Updated 092117.pdf



**Ventura County
Domestic Violence
Law Enforcement
Protocol**

August 2017

This protocol provides recommended “best practices” for the investigation of domestic violence cases. Officers responding to domestic violence calls often confront volatile and dynamic circumstances that pose risks to their own safety. As always, officer safety and department policies should be a priority for peace officers.



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

August 2017

The Ventura County Law Enforcement Coordinating Committee voted unanimously to endorse the first domestic violence investigative protocol in 1992 to provide guidelines for the investigation of domestic violence cases here in Ventura County. The protocol was prepared in consultation with, and in cooperation with, numerous agencies across the county pursuant to Penal Code section 13701(b).

This sixth revision includes legal updates and best practices related to strangulation, gun violence restraining orders, and the protection of children exposed to domestic violence. These changes reflect current research in the field of domestic violence investigation and prosecution.

It is the intention of this protocol to provide guidance to officers and flexibility for individual departments to develop their own policies and procedures.

This protocol is not intended to address every situation or every potential issue, nor is it intended to diminish the exercise of an individual officer's discretion or the role of departmental policies that are consistent with state law. The protocol is intended to promote victim safety, protect children exposed to domestic violence and ensure abuser accountability.

Thank you for your dedication, courage and commitment.

Very truly yours,

GREGORY D. TOTTEN
District Attorney



GREGORY D. TOTTEN
District Attorney

SHERIFF GEOFF DEAN
Ventura County Sheriff

CHIEF KEN CORNEY
Ventura Police Department

CHIEF SCOTT WHITNEY
Oxnard Police Department

VENTURA COUNTY

LAW ENFORCEMENT COORDINATING COMMITTEE

CHIEF SCOTT WHITNEY
Oxnard Police Department
Chair

CHIEF ANDREW SALINAS
Port Hueneme Police Department

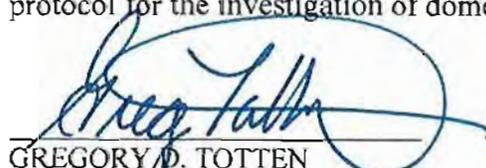
CHIEF DAVID LIVINGSTONE
Simi Valley Police Department

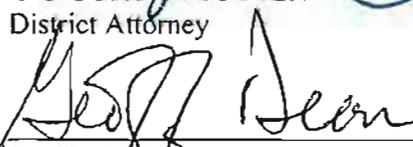
CHIEF STEVE MCLEAN
Santa Paula Police Department

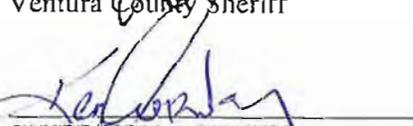
CAPTAIN T.S. ROBERTS
California Highway Patrol

August 2017

In recognition of the serious problem domestic violence presents to the community and the need for a strong consistent response by law enforcement to stop the cycle of violence, the Ventura County Law Enforcement Coordinating Committee does hereby readopt this protocol for the investigation of domestic violence.


GREGORY D. TOTTEN
District Attorney

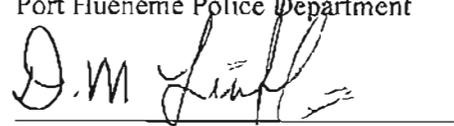

SHERIFF GEOFF DEAN
Ventura County Sheriff


CHIEF KEN CORNEY
Ventura Police Department


CHIEF SCOTT WHITNEY
Oxnard Police Department

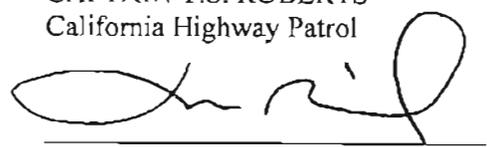

CHIEF JOEL JUSTICE
VCCCD Police


CHIEF ANDREW SALINAS
Port Hueneme Police Department


CHIEF DAVID LIVINGSTONE
Simi Valley Police Department


CHIEF STEVE MCLEAN
Santa Paula Police Department

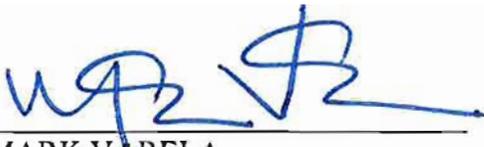

CAPTAIN T.S. ROBERTS
California Highway Patrol


CHIEF JOHN REID
CSU Channel Islands Police

**LAW ENFORCEMENT
COORDINATING COMMITTEE
PARTNERS IN COMBATING DOMESTIC VIOLENCE**

August 2017

In recognition of the serious problem domestic violence presents to the community and the need for a strong consistent response to stop the cycle of violence, the following agencies commit to partnering with the Ventura County Law Enforcement Coordinating Committee and hereby support this protocol for the investigation of domestic violence.



MARK VARELA
Director/Chief Probation Officer
Ventura County Probation Agency



ERIK STERNAD
Executive Director
Interface Children & Family Services



CAROLINE PRIJATEL SUTTON
Executive Director
The Coalition for Family Harmony



LORI HAUGH
Executive Director
The Partnership for Safe Families & Communities
of Ventura County
The Designated Child Abuse Prevention Council

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Protocol Policy Statement

- The California State Legislature has declared that:
 - (1) “[S]pousal abusers present a clear and present danger to the mental and physical well-being of the citizens of the State of California.” (Pen. Code, § 273.8)
 - (2) “A substantial body of research demonstrates a strong connection between domestic violence and child abuse.” (Pen. Code, § 13732(a))
- All law enforcement agencies shall respond to acts of domestic violence as a crime.
- Victims of domestic violence shall be treated with respect and dignity and shall be given appropriate assistance by law enforcement personnel responding to an incident of domestic violence, regardless of their sexual orientation, gender, gender conformity, age, or immigration status.
- The decision to prosecute a batterer lies within the discretion of the District Attorney’s office. Victims do not “press charges,” “drop charges,” or “prosecute” their batterers.
- Written policies shall be developed, which should encourage the arrest of domestic violence offenders if there is probable cause to believe that an offense has been committed.
- Written policies shall *require* the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order¹ has been violated.
- When possible and legally reasonable, law enforcement should remove firearms from the scene of domestic violence incidents.
- When reasonably possible, prosecutors should notify the court if domestic violence defendants own or possess registered firearms.
- When reasonably possible, law enforcement should seek a gun violence restraining order if a person is determined to be a present danger to him/herself or

¹ Includes Emergency Protective Orders, Domestic Violence Restraining Orders, Family Law Restraining Orders, and Criminal Protective Orders.

another person, by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm.

- Children exposed to domestic violence should be considered separately as victims in domestic violence incidents.
- Ongoing training will be provided to enhance law enforcement's response to domestic violence and children exposed to domestic violence.
- Domestic violence is complex. Victims should be empowered to make their own decisions about what they do immediately following a domestic violence incident.

Section 1 - Important Definitions

ABUSE: Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another. (Pen. Code, §13700(a))

ASPHYXIA: A condition arising when the body is deprived of oxygen, causing unconsciousness and ultimately death. In general, asphyxia due to suffocation requires at least partial obstruction of both nostrils and mouth.

COHABITANT: Two unrelated adults living together for a substantial period of time resulting in some permanency of relationship. Factors to be considered, include:

- (1) sexual relations between the parties while sharing the same living quarters,
- (2) sharing of income or expenses,
- (3) joint use or ownership of property,
- (4) whether the parties hold themselves out as spouses,
- (5) the continuity of the relationship, and
- (6) the length of the relationship. (Pen. Code, § 13700(b))

CHOKING: The *accidental* physical, internal obstruction of the windpipe resulting in a blockage that prevents the normal flow of air/normal breathing (e.g. food). Although victims and witnesses may use the terms “choke” or “choking” when describing an incident, law enforcement should be aware of the important distinction between choking and the medical term “strangulation.” (See below)

DATING RELATIONSHIP: Frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations. (Pen. Code, § 243(f)(10), Fam. Code, § 6210) Casual, one-time dates or first-time encounters would *not* be considered “dating,” and therefore not domestic violence.

DOMESTIC VIOLENCE: Abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. (Pen. Code, § 13700 (b))

DOMINANT AGGRESSOR: The person who is the most significant, rather than the first aggressor. (See Pen. Code, §§ 836(c)(3), 13701(b)) (Determining the dominant aggressor is discussed in Section 3.)

DUAL ARREST: The arrest of both parties in a domestic violence incident. Written policies shall discourage, but not prohibit, dual arrests of both parties. (Pen. Code, § 13701(b)) (Discussed in Section 3.)

POSITIONAL ASPHYXIA: Asphyxia caused by compression of the face, neck, chest and/or abdomen sufficient to make it difficult or impossible to breathe, e.g. sitting on a victim's chest.

PROTECTIVE/RESTRAINING ORDERS: Terms that are widely used to cover a broad range of court orders that either prohibit or limit the type of contact that the restrained person may have with the protected person. (See Section 9 for a comprehensive breakdown of court orders. See Addendum F for examples of court orders.)

STALKING: Willful, malicious, and repeated following, or harassment with a credible threat made with the intent of placing that person in reasonable fear for his or her safety or the safety of his or her immediate family. (Pen. Code, § 646.9(a)) A credible threat can be implied by conduct. (Domestic violence stalking cases are discussed in Section 7.)

STRANGULATION: A form of asphyxia characterized by the *intentional* closure of blood vessels and/or air passages of the neck as a result of external pressure applied to the neck sufficient to cause disruption of blood flow to or from the brain, or disruption of air exchange resulting in a lack of adequate oxygen delivery to the brain. (See addendum B) Strangulation can be accomplished by various methods, including:

- (1) Manual Strangulation: Use of the fingers, hands, forearms or other limb/extremity.
- (2) Ligature Strangulation: Use of some form of cord-like object around the neck *with no* suspension.
- (3) Strangulation by Hanging: Use of some form of cord-like object around the neck *with* suspension.

SUFFOCATION: The mechanical obstruction of airflow into the mouth and/or nostrils, as might occur by covering the mouth and nose with a hand, pillow, gag or a plastic bag. Suffocation can be partial or complete. Partial suffocation occurs when the victim can inhale some, but not enough, air.

Section 2 - 911 Operator/Dispatcher Response

- I. Policies developed by agencies pursuant to this protocol shall include written policies and standards for dispatchers' responses to domestic violence calls. Call takers who receive domestic violence calls shall dispatch officers to the scene. (Pen. Code, § 13701)
- II. When speaking to a victim of domestic violence, dispatcher(s) or 911 operators will not discuss the victim's desire to "press charges," "drop charges," or "prosecute." Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate. Dispatchers should remain neutral.
- III. The safety of domestic violence victims shall be the primary concern of 911 operators. 911 operators shall advise the victim to leave the residence, if it can be done safely, whenever the suspect is present or likely to return.
- IV. During the initial call for assistance, the 911 call taker should consider asking the following questions:
 - A. Where is the emergency? What address? What apartment number?
 - B. Has anyone been injured? Is an ambulance needed? What are the injuries?
 - C. With whom am I speaking?
 - D. Is the suspect present?
 - 1) If yes, where, specifically in the residence?
 - 2) If no, direction of travel? Vehicles involved and type of vehicle?
 - E. Who is the suspect?
 - 1) How do you know?
 - 2) Are you in a relationship with that person?
 - F. Is the suspect under the influence of drugs or alcohol? If yes, what substance?
 - G. Are weapons involved? If yes, what kind? Where are they located? Have you been threatened by the weapon today or in the past? How was the weapon used?
 - H. Are you the victim? If no, are you a witness? Is anyone else there?

- I. Are children present? How many? How old are they? Where are they now?
 - J. What has happened?
 - K. Have the police been to the address before? If yes, how many times?
 - L. Has this ever happened before?
 - M. Do you have a restraining order/protective order?
- V. Because incidents of strangulation can result in hidden or delayed injuries and complications, dispatchers should consider asking the caller if they were strangled or “choked” and evaluate the need to call for emergency medical aid. Circumstances indicating a need to call for emergency medical aid may include:
- A. Loss of breath or difficulty breathing
 - B. Loss of consciousness
 - C. Memory loss
 - D. Dizziness, disorientation, nausea, or headache during or after the incident
 - E. Vision loss or vision changes
 - F. Hearing loss or hearing changes
 - G. Voice changes or difficulty speaking
 - H. Coughing or difficulty swallowing or sensation of something in the throat
 - I. Sore throat
 - J. Urination or defecation
 - K. Problems with balance or coordination
 - L. Pain or stiffness to the neck
- VI. Calls reporting threatened, imminent, or ongoing domestic violence and the violation of any domestic violence restraining order or protective order shall be ranked among the highest priority calls.

**Dispatcher Practice Tip:
Restraining Orders**

Only a court can change the status of a restraining order. The victim’s wishes, desires, or behaviors cannot. (Pen. Code, § 13710(b)) This means that a restrained party is still in violation of a restraining order, even if the contact was invited by the protected party.

Section 3 - First Responder Duties

I. WHAT TO DO AT THE DOMESTIC VIOLENCE SCENE

A. ARRIVAL AT SCENE

1. Ensure departmentally issued body-worn camera and/or audio recorder is activated and record all statements.
2. Determine location and condition of victim(s), including children.
3. Summon ambulance, if injuries claimed or observed.
4. Determine if suspect is still at scene.
5. Determine if any weapon is involved.
6. Separate the victim, suspect, and witnesses, including child witnesses.
7. If children are present, follow the procedures set forth in Section 7 and cross-report to Child Protective Services
8. Prevent communication between the parties. This includes removing victim and witnesses from suspect's line of sight and range of hearing.
9. Re-ask about weapons once the parties are separated.
10. Determine what, if any, crime has occurred.
11. If a sexual assault is reported, follow the procedures set forth in Section 5.

Legally remove all firearms from domestic violence scenes and from those parties subject to a domestic violence restraining order or gun violence restraining order. (Pen. Code, §§ 18250, 18105)

B. INTERVIEW

Interview victim and witnesses separately. Interview any children who may have witnessed or heard the incident or any prior incidents. Do not ask the victim whether he/she wishes to press charges. The victim should be advised that the decision to prosecute is made by the District Attorney. Whenever possible, family members, particularly children, should not be used as interpreters (see Section 8). Maintain objectivity in reporting and avoid stating personal opinions.

1. VICTIM:

- a. Document the extent of injuries received in detail and the need for medical attention. Photograph the injuries.
- b. Determine and document whether the victim has been “choked”/strangled and, if so, have the victim evaluated by medical personnel. Signs and symptoms of “choking”/strangulation may include:
 - (1) redness/bruising/scratches to neck
 - (2) raspy voice
 - (3) soreness of neck
 - (4) incontinence
 - (5) petechiae anywhere on the face, in the eye, scalp, behind the ears, on the neck
 - (6) bruising underneath victim’s chin
 - (7) difficulty swallowing
 - (8) difficulty breathing
 - (9) coughing/vomiting
 - (10) torn clothing
 - (11) smeared makeup
- c. Document victim’s emotional condition and demeanor.
- d. Document evidence of substance/chemical use by victim.
- e. Document any spontaneous statements by victim. **Spontaneous statements may be used to impeach the victim’s testimony or to provide substantive evidence of the crime, if the victim later refuses to cooperate.**
- f. Document victim’s home, cell and work telephone numbers, work and home addresses, email addresses and emergency contacts. If victim is homeless or without stable permanent address, obtain a number for a close relative or friend. Inquire if victim’s phone number is safe to leave a voicemail.

Complete the Strangulation the Documentation Supplemental Form for each incident where a victim complains of being “choked” or “strangled,” or where sufficient facts arise to indicate force was used in any way to inhibit the victim’s ability to breathe. (See Addendum B)

- g. Document all statements made by suspect to victim during incident.
- h. Re-contact the victim after interviewing the suspect to ask follow-up questions, if appropriate.
- i. Follow internal departmental policies pertaining to victim notification procedures. Ask the victim if she/he wants to be notified when the suspect is release from jail. Provide the Ventura County Sheriff's office number (805-654-3355) for victim notification.
- j. Evaluate risk factors for serious violence and homicide. (See Addendum A)
- k. Document prior history of abuse in detail.

2. DUTY TO ADVISE VICTIMS OF THEIR RIGHTS

- a. Provide victim with Marsy's Law card pursuant to departmental policy. (Pen. Code, § 679.026)
- b. Provide referrals to community resources and relevant phone numbers.
- c. Explain options available to the victim including private persons' arrest process, emergency protective orders, temporary restraining orders, and, where appropriate, arrest procedures and ensuing criminal proceedings.

Under certain circumstances, defendant's prior acts of domestic violence against the victim may be admissible at trial to prove guilt of the current offense. (Evid. Code § 1109)

3. WITNESSES:

- a. Record interviews of all witnesses separately, noting names, addresses, email addresses, phone numbers, and emergency contacts.
- b. List the names and ages of children present.
- c. Interview all children pursuant to this protocol. (See Section 8) Document demeanor and location of child during incident.
- d. Document names and addresses of emergency personnel.

- e. Interview neighbors regarding what they heard and saw during the incident and any prior domestic violence incident(s).

4. NON-ENGLISH SPEAKING WITNESSES:

- a. Where possible, call another officer who speaks the witness's language to obtain his/her statement. If such officer is not available, utilize a departmentally-approved translation service.
- b. Officers should use caution when utilizing a witness as a translator. Such translations may not be accurate or admissible at trial.
Children and family should not be used as translators.
- c. If using a non-certified translator, establish and document the translator's ability/knowledge of the language, including:
 - (1) Years speaking the language
 - (2) Training and experience in the language
 - (3) Obtain contact information including current address, date of birth, phone number, driver's license, and employment information.
- d. Record all statements, including the translations.

5. SUSPECT:

- a. Document suspect's location.
- b. Document suspect's physical condition.
- c. Document suspect's emotional condition.
- d. Document evidence of illicit drug, prescription drug, and/or alcohol use by the suspect. (If appropriate, consider DRE Exam and/or search warrant for blood/fluid samples)
- e. Inquire about mental health history, diagnoses, and medications.
- f. Obtain emergency contact information, including personal cell, home, and work numbers; home and work addresses; and email addresses.

- g. Document, describe, and photograph any injuries, where appropriate, or the lack thereof.
- h. Advise suspect of Miranda rights where legally appropriate.
- i. If suspect waives and agrees to speak with officer, interview suspect.
- j. Record all statements using department-issued recording device.
- k. Assess for risk of suicide. (See Addendum A)

C. EVIDENCE:

- 1. Determine if firearms or other deadly weapons are present in plain sight or pursuant to a consensual search. (Pen. Code, §18250(a))
- 2. Describe the crime scene in detail. Note signs indicating a struggle such as overturned furniture, hair that has been pulled out, blood, broken fingernails, holes in walls, damaged telephones, etc.
- 3. Photograph the crime scene.
- 4. Photograph all victims' and suspects' injuries.
- 5. Photograph and book all weapons and other instrumentalities of the crime (i.e. belts, electrical cords, hangers, gas cans, bottles, lighters, broken lamps, etc.).
- 6. Follow your departmental guidelines for the storage and transfer of images when using digital cameras.
- 7. Follow your departmental guidelines for appropriate use, storage and transfer of digital information when using body cameras.
- 8. Collect surveillance video footage from crime scene or surrounding areas or submit a request to preserve it.

D. MEDICAL TREATMENT

- 1. Transport or have victim and/or suspect transported to hospital, if medical treatment is necessary.
- 2. Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim and/or defendant.

3. Photograph victim's and/or suspect's injuries (or lack thereof) before he/she is transported to the hospital, when reasonably practical.
4. Obtain signed medical release, if appropriate and reasonably practical.
5. Obtain treating physician's name, address, and telephone number.
6. Interview treating physician and confirm nature and severity of injuries.
7. Document all victim statements made to medical personnel, if reasonably practical.
8. Request that blood samples taken by the hospital be preserved, if substances are suspected. Obtain a search warrant to legally obtain samples. (Note: Without a request from law enforcement some hospitals or medical centers may dispose of samples after two days.)

II. BAIL

- A. Prepare a declaration to increase bail above the schedule amount or to deny an O.R. release, if it appears that the suspect may not appear in court, or, if the suspect's release from custody may pose a serious threat to the victim's well-being. (Pen. Code, §§ 1269c, 1270.1 and 1275)
- B. Additional factors:
 1. Access to/use of weapons
 2. Suicidal ideation
 3. Mental instability
 4. Substance abuse
 5. Threats to harm the victim if abuse is reported to law enforcement
 6. Prior acts of violence
 7. Prior criminal history
 8. Risk of flight.

COMPLETE A DOMESTIC VIOLENCE CRIME REPORT

Law enforcement shall complete a written incident report pursuant to departmental policy. (Pen. Code, §§ 13730, 13730(c)) (Law enforcement should maintain objectivity in reporting and avoid personal opinions regarding comments from victim/suspect.)

III. TEEN RELATIONSHIP VIOLENCE

A. JURISDICTION

Domestic violence offenses such as Penal Code sections 273.5 and 243(e) apply equally to juvenile offenders. When a juvenile commits any crime within the state, the Juvenile Court has jurisdiction over the minor and the District Attorney's Office is responsible for the prosecution of those cases.

B. POLICE RESPONSE

1. Investigation: Law enforcement officers shall document the relationship between the parties.
2. Arrest: While pro-arrest policies apply equally to teen relationship violence cases, it should be noted that when a juvenile is arrested, it is the "Risk Screening Criteria," as set forth by the Ventura County Probation Department, that will determine whether a juvenile will be incarcerated in Juvenile Hall. When a juvenile is incarcerated, there is no bail. The juvenile will stay in Juvenile Hall until he or she is arraigned or otherwise released by Juvenile Hall.
3. Victim Assistance: The victim is entitled to all the services described in this protocol, including an emergency protective order and referral information, regardless of age.
4. Cross-report to Children and Family Services (CFS): Since the juvenile offender is a minor, a cross-report to CFS is still required.

C. PROTECTIVE ORDERS FOR TEENS

A minor 12 years old or older may seek a protective order, temporary restraining order, or injunction against an abusive partner without a guardian or counsel. (Code Civ. Proc., § 372) Emergency Protective Orders shall also be requested for teen victims, when applicable.

IV. ARREST OF SUSPECT

- A. **FELONY ARRESTS:** If a peace officer has probable cause to believe that a felony has occurred, the officer shall arrest, absent unusual circumstances.
- B. **MISDEMEANOR ARRESTS:**
1. If a misdemeanor offense has been committed in the officer's presence, the officer shall arrest.
 2. If a person commits an assault or battery upon his or her spouse, former spouse, cohabitant, former cohabitant, or someone with whom a current or former dating or engagement relationship exists, or upon the parent of his or her child, a peace officer may arrest the person without a warrant if both of the following circumstances apply (Pen. Code, §836(d)):
 - a. The officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
 - b. The officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
- C. **DOMESTIC VIOLENCE RESTRAINING ORDER/PROTECTIVE ORDER ARREST:** If the officer has probable cause to believe that the person has notice of the order and has committed an act in violation thereof; or if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party, the officer shall arrest.
- D. **PRIVATE PERSON'S ARREST:** Any time a peace officer responds to a domestic violence call, the peace officer shall make a good faith effort to inform the victim of their right to make a citizen's arrest, unless the peace officer makes an arrest for Penal Code sections 243(e)(1) or 273.5.

This policy encourages the arrest of domestic violent offenders if there is probable cause to believe that a domestic violence offense has been committed. (Pen. Code, § 13701(b))

- E. ARREST AND RELEASE: Penal Code section 853.6 sets forth procedures for the arrest and release of a person suspected of a misdemeanor violation of a protective court order involving domestic violence if the officer does not immediately take the suspect before a magistrate. (Cite and release is no longer authorized.)

- F. DUAL ARRESTS DISCOURAGED: Penal Code section 13701(b) requires officers to make reasonable efforts to identify and arrest the dominant aggressor. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.
 - 1. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor.

 - 2. In determining whether a person is the dominant aggressor, the officer shall consider the following: (Pen. Code, § 13701(b))
 - a. The intent of the law to protect victims of domestic violence from continuing abuse.
 - b. Any threats, real or implied, which instill fear of physical violence by one partner toward another.
 - c. Any history of domestic violence between the partners.
 - d. Whether either partner acted in self-defense.

 - 3. Other factors law enforcement personnel should consider:
 - a. Relative height/weight of the parties.
 - b. Criminal history.
 - c. Level of violence.
 - d. Presence of fear.
 - e. Existing court orders.
 - f. Corroborating witnesses.
 - g. Demeanor of parties.

- h. Use of alcohol/drugs.
 - i. Offensive/defensive injuries.
 - j. Whether the injuries are consistent with explanation.
 - k. Any history of controlling behavior or coercion.
 - l. Which party called 911.
- G. When no arrest is made in a domestic violence investigation, law enforcement shall document the incident, pursuant to Penal Code section 13730(c).

Section 4 - Follow-Up Investigation

Per departmental policies, all domestic violence reports prepared by officers pursuant to Penal Code sections 13700 et seq., may be referred to investigative personnel for review and follow-up investigation as soon as reasonably possible. Whenever possible, investigative personnel will be specifically designated to handle domestic violence cases.

- I. FOLLOW-UP INVESTIGATIONS SHOULD INCLUDE:
 - A. A review of patrol reports to ensure accuracy and completeness.
 - B. Any necessary follow-up, with victim and witnesses.
 - 1. Re-interview of victim and witnesses, including children, as appropriate. (See Section 8)
 - a. Do not ask the victim whether he/she wishes to press charges.
 - b. Advise the victim they have a right to have an advocate present.
 - 2. Interviews of additional corroborating witnesses, including neighbors who may have heard the incident, if applicable.
 - C. A detailed follow-up report containing all new and/or different information. Do not simply “confirm” what is in the patrol officer’s report.
 - D. If the District Attorney’s office files charges against the suspect, additional evidence, if applicable, may be requested, including:
 - 1. Subsequent photographs of the victim. (Consider, even if the patrol officer took photographs.)
 - 2. Copies of all medical reports, Medically Mandated Reports and “Suspicious Injury Forms,” if available.
 - 3. A copy of the 911 recording and printouts.
 - 4. The names, addresses and telephone numbers of two close friends or relatives of the victim who will know of her/his whereabouts at all times during and after the investigation.

5. In-house domestic violence criminal history check of the suspect and the victim.
6. Copies of prior police reports, prior 911 printouts and recordings, and videos, including body-worn camera footage, if applicable.

E. INTERVIEW SUSPECT

As legally appropriate, advise, pursuant to *Miranda*, if this has not been done by patrol officers. Interview the suspect unless he/she has invoked. If the suspect has been advised, waived and made a statement, you may re-advise and re-interview to ask further questions or clarify statements made.

II. REFERRAL TO DISTRICT ATTORNEY FOR REVIEW.

- A. If the elements of the offense can be established with the testimony of the victim and if the victim is cooperative, the case should be submitted to the Sexual Assault Family Protection Unit (SAFP) for review.
- B. If the elements of the offense can be established without the testimony of the victim and if the victim will not cooperate, the case should be submitted to the Sexual Assault Family Protection Unit (SAFP).
- C. If the victim will not cooperate, and there is insufficient independent corroboration to establish the offense, each department will determine if the case should be submitted for review. Corroboration may include significant injury to the victim. Such reports shall be maintained by the department according to policies developed consistent with Penal Code section 13701(b).
- D. In situations where the victim will not cooperate and there is insufficient corroboration and the investigator determines there is a high risk of lethality based upon patrol reports and follow-up investigation, the case shall be discussed with an attorney from the Sexual Assault Family Protection Unit (SAFP).
- E. Contact the victim to advise of the status of the case, and if applicable, the intended referral to the District Attorney's Office.

Section 5 - Domestic Violence Sexual Assaults

- I. When a peace officer responds to a call involving domestic violence and learns that a victim has been sexually assaulted, in addition to the guidelines for Section 3 above, the peace officer shall do the following:
 - A. Ensure the victim's safety.
 - B. Evaluate the need for emergency medical care.
 - C. Evaluate the need for additional units and a supervisor.
 - D. Identify suspect and, if possible, determine suspect's location.
 - E. Conduct an initial interview of victim. Evaluate the need for crisis intervention/advocate on scene.
 - F. Determine the need for a medical legal evidentiary exam of victim.
 - G. If the victim consents, notify a Safe Harbor facility. (See Addendum D for contact information) The Safe Harbor facility will automatically contact a sexual assault victim advocate.
 - H. Transport the victim to a Safe Harbor facility.
 - I. Notify sexual assault detective per agency policy.
 - J. Stand by during the Sexual Assault Medical Legal Evidentiary Exam.
 - K. Provide transportation for the victim upon completion of the examination.
 - L. Preserve the crime scene and seize evidence related to sexual assault or request assistance from an evidence technician or crime lab personnel.
 - M. Identify, isolate, and interview potential witnesses.
 - N. Book evidence. (See subsection IV below)
 - O. Determine the advisability of a forensic exam of a suspect (see subsection III below)
 - P. Complete reports and submit them to investigations.

II. SEXUAL ASSAULT RESPONSE TEAMS

- A. The Sexual Assault Response Team (SART) is comprised of three disciplines: law enforcement, the sexual assault nurse examiner (SANE) and a rape crisis advocate.
- B. Unless the victim is in need of medical assistance, all sexual assault and medical legal evidentiary exams and forensic interviews should be conducted by SART at one of two Safe Harbor facilities. (See Addendum D)

III. SEXUAL ASSAULT FORENSIC EXAMINATION PROCEDURES FOR SUSPECTS

- A. The decision to conduct a sexual assault examination of the suspect is made by the investigating agency, pursuant to departmental policy, and made on a case by case basis.
- B. If conducted, the sexual assault examination should occur as soon as possible after an assault has been reported, ideally no more than 48-72 hours after.
- C. Any authorized medical examination shall include a buccal swab for DNA comparison/processing. DNA can be collected on individuals up to 120 hours after the assault.
- D. Under no circumstances shall the suspect be taken to Safe Harbor.
 - 1. A SANE nurse is available during normal business hours. Contact the Safe Harbor Coordinator for the on-call SANE nurse and request a “suspect examination.”
 - 2. After regular business hours: Contact the Afterhours Call-out Service and request the on-call nurse to conduct a “suspect examination.”
- E. Suspect examinations can occur in the following locations:
 - 1. Law enforcement agency

The most common defense in domestic violence sexual assault cases is that of consent. Thorough investigations require probing into this issue by asking questions of witnesses and collecting/documenting evidence that focus on the issue of consent.

2. Jail
 3. Local hospital
- F. No suspect examination shall be conducted unless the requesting officer has:
1. Consent
 2. A search warrant authorizing the medical examination, or
 3. Exigent circumstances
- G. Once the examination is completed, officers must book all evidence collected.

IV. EVIDENCE COLLECTION AND SEIZURE

- A. Officers collecting evidence shall tag items separately and shall ensure a legally sufficient chain of custody. Items to be seized and booked into evidence include:
1. All clothing worn by the suspect at the time of the offense.
 2. Clothing worn by the victim that may be contaminated or contain evidence. Note: If a victim's clothing is to be seized, have the victim take a change of clothing to Safe Harbor.
 3. Evidence that cannot be collected by the responding officer without disturbing the crime scene (e.g., blood spatter evidence) must be protected until the assigned investigator determines if an evidence technician is needed, and if so, can respond and take custody of the evidence.
 4. All other items that could possibly contain evidence (i.e., bedding, condoms and packaging, etc.).
 5. All rape kits obtained by SANE nurses.
 6. The Sexual Assault Nurse Examiner's report.

All clothing seized shall be placed in separate paper bags. Do not book the clothing in plastic

7. If the assault occurred in a vehicle, the vehicle should be impounded as evidence with a hold for the appropriate investigative unit.
8. If the victim may have ingested any drug, request that the SANE nurse take a urine sample as soon as possible. Drugs may be detectable within 36 hours after ingestion.

Section 6 - Victims' Rights

- I. All victims shall be advised of their rights pursuant to Marsy's Law. (Pen. Code, § 679.026)
- II. All victims of domestic violence and sexual assault shall be provided with a "Victim of Domestic Violence" card developed by each agency. This card shall include suggested procedures following an assault and a list of available services. (Pen. Code, §§ 264.2, 13701(H)1)
- III. All victims of sexual assault shall be advised that their name will become a matter of public record unless they request otherwise. (Pen. Code, §§ 293 and 293.5) A sexual assault is defined as a violation of Penal Code sections 220, 236.1, 261 through 267, and 281 through 292.
 - A. An officer shall advise the victim of her/his right to anonymity and encourage the victim to discuss this right with the Deputy District Attorney handling their case.
 - B. If requested by the victim, law enforcement agencies are prohibited from disclosing the victim's name and address to anyone except the prosecutor.
 - C. Officers shall use the victim's true name when completing their crime and arrest reports, property tags, hospital records, etc.
- IV. All victims of sexual assault, including spousal rape, shall be notified orally or in writing of their right to have a sexual assault victim counselor and at least one additional support person chosen by the victim present at any evidentiary, medical, or physical examination or interview by law enforcement, district attorneys, or defense attorneys. This right does not apply to the initial investigation by law enforcement to determine whether a crime has been committed. (Pen. Code, § 679.04)

Section 7 – Stalking

“Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family” is guilty of the crime of stalking. (Pen. Code, § 646.9)

- I. Law enforcement should consider charging the crime of stalking when victims report that they have made *life changes* due to a suspect’s actions:
 - A. If victims have changed their phone numbers, changed their routes to and from work, changed locks on the doors, etc., additional inquiry must be made to determine whether this is an isolated incident or repeated conduct.
 - B. Phone calls, recorded messages, text messages, social media postings, handwritten notes and emails, etc., can establish the pattern of behavior which is causing the victim to fear for his or her safety and should be documented and, when feasible, collected and booked into evidence.
 - C. Previous incidents involving the suspect should be documented and, if reported, previous crime reports obtained.

- II. A "credible threat" means a verbal or written threat, or a threat implied by a pattern of conduct, or a combination of both made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family.

- III. A “credible threat” requires that the suspect has the apparent ability to carry out the threat so that the target of the threat is reasonably fearful for his or her safety. It is not necessary to prove that the suspect had the intent to carry out the threat. A suspect can make a credible threat even if he/she is in jail. (Pen. Code, §646.9(g))
 - A. A credible threat can be made electronically or through any electronic communication device.
 - B. “Electronic Communication devices” include, but are not limited to, phones, cell phones, computers, video recorders, fax machines, or pagers. (Pen. Code, § 646.9(h))

Discuss potential stalking cases with your agency’s domestic violence detective(s) and/or the supervising attorney or a senior deputy district attorney in the Sexual Assault Family Protection Unit. Stalking cases are vertically prosecuted by the Sexual Assault Family Protection Unit.

Section 8 - Children Exposed to Domestic Violence

- I. Children are often present at domestic violence calls. Research studies have consistently found a high correlation between children's exposure to domestic violence and:
 - A. depression, anxiety, post-traumatic stress and/or an impacted sense of well-being, safety, and stability
 - B. behavioral, social and emotional problems such as aggression, anger, hostility, and low self-esteem
 - C. cognitive and attitudinal problems such as poor school performance and lack of conflict resolution skills
 - D. increased tolerance for violence in relationships and high levels of adult depression.²

- II. GUIDELINES FOR OFFICERS
 - A. Recognize that children present during a domestic violence situation may also be direct victims of violence. (Pen. Code, § 273a(a))
 - B. Recognize that even if a child was *not* present during the immediate instance of domestic violence, they may have been exposed to it in the past. A careful interview of the child may reveal corroboration or a pattern of evidence.
 - C. Recognize that if a child was present during domestic violence, even in a different room, that child can be a victim, if he/she was placed in a situation where his/her person or health may be endangered. (Pen. Code, § 273a(b)) Document emotional distress/demeanor: fearful, angry, calm, tearful/crying, nervous, upset, etc..
 - D. Recognize that often children do not "sleep through" the domestic violence, contrary to what a victim may tell you.

² Rossman, 2001; Singer, Angelin, Song, and Lunghofer, 1995; Dube, Anda, Felitti, Edwards, & Williamson, 2002; McEwen, 2000; Perry, 2001; CDC, 1999; Malinosky-Rummell & Hansen, 1993; Daro et al., 2004; Finkelhor 2006; Osofsky, 2004

- E. Interview all children present, where possible. Children as young as four years old are often able to describe the violent episode and can be reliable witnesses when interviewed properly.
- F. Interview the domestic violence victim and child witnesses separately, unless the child is too young. Never interview any witnesses in the presence of the suspect.
- G. If children were in the home at the time of the domestic violence incident or personally witnessed the domestic violence, make sure to list them as witnesses in the body of the crime report. If a child is a victim of any crime, including child endangerment, list the child as a victim in the report and/or write a separate report.
- H. Take photographs of the crime scene, including any evidence of a child's exposure to violence such as crib/child's bed in the room where victim was injured, evidence of a struggle, broken toys or objects thrown around room, other.

When children are present during a domestic violence incident consider charging Penal Code section 273a(b), child endangerment, as an additional crime.

III. INTERVIEWING CHILDREN

Children can be reliable and credible witnesses when properly interviewed. The utmost care and consideration for the children's physical and mental welfare is paramount. When interviewing children, let your training, experience, and department policy guide you.

- A. Start by establishing rapport.
- B. Locate an area where the child will feel safe and comfortable.
- C. Talk to the child at his/her physical level.
- D. Talk to the child at his/her educational/developmental level.
- E. Ask non-threatening and non-intimidating questions.
- F. If possible, remove the child from the victim's line of sight. Never interview the child in the presence of the suspect.
- G. Ask questions about the child's physical and emotional condition. Understand that children can suffer mentally from witnessing acts of domestic violence.

- H. Ask simple, open-ended questions, including:
1. Are you hurt? (If yes, refer to child victim/witness protocol)
 2. What happened? (hitting, yelling, etc.)
 3. Who was there? (mommy, daddy, etc.)
 4. Did anyone get hurt? (get description of injury)
 5. Who got hurt?
 6. Who did the hurting? (mommy, daddy, both, etc.)
 7. What was mommy-daddy hurt with? (description of mechanism, fist, belt, etc.)
 8. When did it happen? (day, night, etc.)
 9. Where did it happen? (location in the house)
 10. Has it happened before? (if yes, document frequency)
- I. Allow the child to describe in his/her own words what happened. Use the vocabulary that is offered by the child and avoid introducing new vocabulary to the child.
- J. Avoid asking leading questions. Do not provide information to the child or ask the child to confirm or deny it (i.e., "Is this what happened?").
- K. Allow the child time to respond, and repeat questions, as necessary.

IV. USE OF CHILDREN AS INTERPRETERS DISCOURAGED

Avoid using children as interpreters. This may increase a child's trauma and/or put him/her in a situation of divided loyalty. He/she may fear repercussions from the aggressor in the incident. The translation may be unreliable because it is affected by the child's own emotional state.

V. DUTY TO CROSS-REPORT TO CHILD AND FAMILY SERVICES (CFS)

When children reside in the home where domestic violence occurs and law enforcement believes that the children are at risk, the officer shall:

- A. Use department guidelines to determine whether or not to place the child in protective custody, if the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5.
- B. If the circumstances do not meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5, consider making a referral to a local community based organization.
- C. Immediately call CFS at (805) 654-3200 and send a written follow-up report (DOJ SS8572 Suspected Child Abuse Report) to CFS within 36 hours, if the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5.
- D. Evaluate risk factors when making a referral to CFS, including:
 - 1. The severity of the incident.
 - 2. Any evidence of previous domestic violence incidents in the household.
 - 3. The child's involvement in the dispute.
 - 4. The child's exposure to potential danger during the incident because of the behavior of either party.
 - 5. The parent or guardian's use of alcohol or drugs.
 - 6. The parent or guardian's ability to provide immediate care and protection for the child.
 - 7. The living conditions in the home.

Children who live in homes where there is domestic violence are at greater risk for physical injury, emotional harm, neglect, and sexual abuse. The officer must determine whether there is a need to remove the victim and children from the home.

If the officer believes that leaving the children in their current situation would put them at risk, the officer MUST notify CFS immediately to respond to the incident in accordance with mandated reporting requirements. (Pen. Code, §§ 11165.2 through 11165.6)

Children taken into protective custody should only be released to a Child Protective Services worker.

8. Any other factors which suggest that the child is or may be at risk.

VI. FORENSIC INTERVIEWS FOR CHILDREN EXPOSED TO CRIME

- A. In a case where domestic violence results in a homicide or attempted homicide, all departments are encouraged to have the children living in the home forensically interviewed by a certified forensic interviewer as soon as possible. The interviewer should use open-ended questions and not press the child for details.

It may be necessary for law enforcement to gather information about the possible abuse or critical incident directly from the child before a forensic interview is scheduled. This interview should seek only enough information to make immediate protective and investigative decisions.

- B. Officers should consider forensically interviewing all children who are witnesses to other violent or serious crimes.

Section 9 - Court Orders

I. GENERAL POLICY:

All court orders shall be enforced by law enforcement officers. This includes orders from other counties, states, or territories. (Pen. Code, § 13701(a), Pen. Code, § 836(c)(1))

If there are multiple restraining orders in place, a no contact order shall have precedence in enforcement over any other restraining or protective order. (Pen. Code, § 136.2(c)(1)(B)(2))

II. MANDATORY ARREST POLICY-PROTECTIVE ORDERS

Law enforcement shall arrest an offender, absent exigent circumstances, if there is probable cause to believe that a domestic violence restraining order/protective order has been violated. (Pen. Code, § 13701(b))

Law enforcement shall make an arrest even without a warrant and regardless of whether or not the violation occurred in the officer's presence. (Pen. Code, § 836(c)(1)(b))

The terms and conditions of a restraining or protective order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court. (Pen. Code, § 13710(b)) This means that "protected persons" are not in violation of protective orders when they acquiesce or invite the restrained person's contact; only the restrained person shall be arrested.

III. MUTUAL FAMILY CODE PROTECTIVE ORDERS

In situations where mutual family code protective orders have been issued, law enforcement shall make reasonable efforts to identify and may arrest those persons who are reasonably believed to have been the dominant aggressor. (Pen. Code, § 836(c)(3)) The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, pursuant to Penal Code section 836(c)(3), law enforcement shall consider:

- A. the intent of the law to protect victims or domestic violence from continuing abuse,
- B. the threats creating fear of physical injury,
- C. the history of domestic violence between the persons involved, and

- D. whether either person involved acted in self-defense.

IV. TYPES OF COURT ORDERS

- A. **RESTRAINING ORDER:** This term is widely used to describe a broad range of court orders that prohibit or limit the type of contact that the restrained person may have with the protected person.
- B. **CIVIL HARASSMENT RESTRAINING ORDER:** Issued by a civil judge and can be used for any named family or household members. (Code Civ. Proc., §527.6)
- C. **CRIMINAL PROTECTIVE ORDER: (CPO)** Issued by a criminal judge to protect the victim and witnesses of a crime. Such persons are referred to as “Protected Persons.” This may occur prior to the trial or as a condition of probation. These orders are usually good for a period of three years. Such orders are routinely issued in cases involving domestic violence. (Pen. Code, § 136.2)
 - 1. **NO CONTACT ORDER:** A restrained person is ordered to stay away from and have no contact with a protected person during criminal proceedings. (Pen. Code, § 136.2)
 - 2. **NO FORCE OR VIOLENCE ORDER:** A restrained person is ordered not to harass, strike, threaten, sexually assault or assault, follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected person. (Pen. Code, § 136.2)
- D. **CIVIL DOMESTIC VIOLENCE RESTRAINING ORDER:** Issued by a Family Court Judge regardless of whether a criminal case is filed. (Fam. Code, §§ 6300-6389) Restraining order assistance may be obtained from the Victim Services Unit of the District Attorney’s Office.
 - 1. **TEMPORARY RESTRAINING ORDER (TRO):** Upon application from a law enforcement officer, a judge may issue a temporary restraining order, if the judge determines the victim is in immediate and present danger of domestic violence. (Fam. Code, § 6250) Temporary restraining orders are in effect at the court’s discretion for a period not to

Only a judge can modify the terms of a criminal protective order regardless of the wishes of the protected person.

exceed 25 days, unless otherwise modified. (Code Civ. Proc., § 527.6(f))

2. “PERMANENT” RESTRAINING ORDER/ORDER AFTER HEARING (OAH): At a noticed and scheduled hearing, a Family Court Judge may issue a permanent restraining order. Unless otherwise noted on the face of the form, these orders are valid for three years from the date of issuance. (Fam. Code, § 6345)

E. DEPENDENCY/JUVENILE COURT ORDER: Order issued by the Juvenile Court, which regulates the interaction of parent(s), guardian(s), and children involved in a dependency or juvenile court case. (Fam. Code, § 6218, Welf. & Inst. Code, §§ 213.5, 304, 362.4)

F. EMERGENCY PROTECTIVE ORDER (EPO): Court order that prohibits specified contact with the protected person. This type of restraining order can only be requested by law enforcement and law enforcement can request an ex parte EPO even though no crime has yet been committed. EPOs are valid for five court days or seven calendar days. (Pen. Code, § 646.91, Fam. Code, §§ 6240-6257). See VI below.

EMERGENCY PROTECTIVE ORDERS SUPERSEDE ALL OTHER COURT ORDERS. Judges are available 24 hours a day at 805-289-8763 (during court hours) or at 805-340-1386 (after court hours, weekends and holidays)

G. GUN VIOLENCE RESTRAINING ORDER (GVRO): Civil restraining order that prohibits a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearm or ammunition. (Pen. Code, §§ 18100, et seq.) Ex parte GVROs may be sought by law enforcement, the family, or cohabitants. (Pen. Code, § 18150) (See Section 12)

V. NOTIFICATION TO VICTIMS OF THE AVAILABILITY OF EMERGENCY PROTECTIVE ORDERS

A. Law enforcement shall inform victims of the availability of an EPO when they have reasonable grounds to believe:

1. There is an immediate and present danger of domestic violence based on the person's allegation of recent abuse or threat of abuse.
 2. The EPO is necessary to prevent the occurrence or recurrence of domestic violence. *If the person requests such an order, the officer shall request an EPO from the court.* (Fam. Code, §§ 6251, 6250, 6275; Pen. Code, § 646.91)
- B. The duty to advise victims about EPOs exists even though no crime has yet been committed. All victims should be advised that they may or may not qualify for an EPO if certain requirements are not met. (Last sentence added per Sharon)
 - C. The immediate and present danger determination shall be made regardless of the respondent's custody status or the protected person's continued residence in the home.

VI. PROCEDURES TO OBTAIN AN EMERGENCY PROTECTIVE ORDER:

- A. Complete the *Application for Emergency Protective order/Emergency Protective order* form lines 1 through 7 on the application (Form EPO-001 (rev. 1-2014) (CLETS)).
- B. During court hours, the officer shall contact a judge at 805-289-8763.
- C. After court hours, weekends, and holidays, the officer shall contact the duty judge at 805-340-1386.
- D. After approval, the judge will advise the officer what to record for lines 9 through 12 of the EPO section. The order may be granted for up to five (5) court days and will expire at 5:00 p.m. on the last specified court day.
- E. Once the EPO has been finalized, the officer shall provide a copy of the application and order to the issuing agency and to the protected party. A final copy of the application should be attached to the crime report for the court.
- F. The officer shall encourage the protected party to carry a copy of the EPO with him/her.

- G. The officer shall refer the individual to the Victim Services Division of the District Attorney's Office for assistance with obtaining further restraining orders.
- H. The officer shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.
- I. If a Protective Order is obtained, a Crime/DV Incident Report shall be prepared on the incident.

VII. ORDERS MUST BE SERVED ON RESTRAINED PERSON

- A. Law enforcement shall make a reasonable effort to serve the restrained party with the EPO.
- B. Verbal admonishment by a law enforcement officer shall constitute valid service of the order under the following conditions:
 - 1. Verbal admonishment shall be conducted in person.
 - 2. The terms and conditions shall be read to the restrained person.
 - 3. The restrained person shall be advised to go to the local court to obtain a copy of the order containing the full terms and conditions of the order (Fam. Code, § 6383(g)).
- C. If applicable, law enforcement should check with dispatch to determine whether a served order is on file.
- D. If applicable, law enforcement should access information about the terms of the order through CLETS/NCIC. Law enforcement may also check www.ventura.courts.ca.gov for limited restraining order information on all protective orders entered into CLETS.
- E. If no record of service exists:
 - 1. Advise the restrained person that there is an order in effect.

2. If available, provide a copy of the order to the restrained person. If a copy is not available, have the terms of the order read over the phone and then verbally advise him/her of those terms.
3. Advise the restrained person that s/he is now subject to the terms of the order and can be arrested for any further violation.
4. Document your contact and the service of the order per your departmental policy. Record your name, ID number, and date, time, and location that the suspect received the notice.

Prepare a crime report for every domestic violence restraining order/protective order violation. Whenever the suspect is not present at the scene, a crime report and warrant declaration shall be submitted to the district attorney.

- F. If a copy is provided to the restrained person by the victim, law enforcement shall complete and sign a proof of service form.
1. Give the original proof of service form to the victim.
 2. Follow departmental protocols regarding documenting “service” of the Court order(s).

Section 10 - Law Enforcement Officer or Military Involved in Domestic Violence Procedures

No person, because of his or her occupation, should be exempt from the application of laws concerning domestic violence. When responding to a domestic violence call involving a law enforcement officer or member of the military, the following procedures are recommended:

- I. INVESTIGATIONS INVOLVING LAW ENFORCEMENT OFFICERS FROM OTHER AGENCIES
 - A. All cases shall be investigated in accordance with applicable statutes, departmental policies, this protocol, and the Peace Officer's Bill of Rights.
 - B. The supervisor of the investigative unit shall notify the agency that employs the officer as soon as possible.
 - C. A copy of the completed investigation shall be provided to the investigator's agency supervisor.

- II. INVESTIGATIONS INVOLVING OFFICERS WITHIN THE INVESTIGATING AGENCY
 - A. All cases shall be investigated in accordance with applicable statutes, departmental policies, this protocol, and the Peace Officer's Bill of Rights.
 - B. Each agency shall develop and follow specific department policies and procedures regarding officer involved domestic violence consistent with the Peace Officer's Bill of Rights.

- III. INVESTIGATIONS INVOLVING MILITARY
 - A. The intent of this policy is to eliminate all informal referrals, diversions, or report-taking omissions in the handling of domestic violence involving military personnel.
 - B. No informal agreements with the shore patrol or a suspect's commanding officer shall take precedence over a suspect's arrest and prosecution by the non-military authorities.

- C. Weapons seized from military personnel shall be treated as evidence in a crime and not as government property.
- D. When contacting military suspects, obtain their social security numbers and their assigned command information.
- E. If the arrested person is a member of the local military, the watch commander has discretion to notify the Naval command duty officer at (805) 207-7277, or the Naval base operator (quarterdeck) at (805) 989-7209.
- F. See Addendum G for additional military contact information and military victim services

Section 11 - Courtesy Reports

If the responding agency determines that the abuse took place in another jurisdiction, the responding agency shall immediately contact the jurisdictional agency to inquire if they want a “courtesy” report to be prepared. Some agencies may wish to respond and take over the investigation. If a courtesy report is requested:

- I. The “courtesy” report should meet the same standards as any crime report investigated by that jurisdiction.
- II. An effort should be made to recover any relevant evidence and photograph the injuries.
- III. A case number should be assigned pursuant to reporting requirements set forth in Penal Code section 13730.
- IV. The agency where the crime occurred should be notified as soon as possible and a complete copy of the investigative report should be sent to that agency’s record section and/or investigative unit.

Section 12 - Domestic Violence Gun Seizures

- I. It is a crime punishable by imprisonment in county jail or state prison or fine for a person restrained by a protective order to own or possess a firearm during the term of the order. (Pen. Code, §§ 273.6(g)(1), 29825)
- II. Law enforcement shall ask victims if they know of any unregistered firearms that the suspect has access to.
- III. An officer at the scene of a domestic violence incident involving a threat to human life or a physical assault, or serving a gun violence restraining order or protective order, is authorized to take temporary custody of any firearm or other deadly weapon in plain view or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present. (Pen. Code, § 18250(a))
 - A. Upon taking custody of a firearm or other deadly weapon, the officer shall give the owner or person who possessed a firearm a receipt. The receipt shall describe the firearm or other deadly weapon and list any identification or serial number on the firearm. The receipt shall indicate where and when the firearm or deadly weapon can be recovered. (Pen. Code, §18255)
 - B. If the weapon seized is not retained for use as evidence in the domestic violence incident or is not retained because it was illegally possessed, the weapon must be released to the owner or person in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than five business days after the owner or person who was in lawful possession demonstrates compliance with Penal Code section 33850.
 - C. Complete a DV-800 *Proof of Firearms Turned In* form.
- IV. GUN VIOLENCE RESTRAINING ORDERS
 - A. An officer who reasonably believes a person is an immediate and present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may petition the court for a temporary gun violence restraining order. (Pen. Code, § 18125)

- B. Law enforcement petitioning the court should use the forms established by the Judicial Council. (Pen. Code, § 18105) The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person. (Pen. Code, § 18107) The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances. (Pen. Code, §§ 18125, 18150, 18175)
- C. If time and circumstances do not permit the submission of a written petition, law enforcement may make a telephonic request using the procedures for obtaining a telephonic search warrant in Penal Code section 1526 using the appropriate Judicial Council form. (Pen. Code, §§ 18140, 18145)
- D. 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 in accordance with Penal Code section 18120.

V. EX PARTE GUN VIOLENCE RESTRAINING ORDERS

- A. An immediate family member or law enforcement officer may file a petition requiring that the court issue an ex parte gun violence restraining order enjoining the subject from owning, purchasing, possessing, or receiving a firearm or ammunition.
- B. The petition shall state that the subject of the petition poses a significant danger of causing personal injury to himself, herself, or another and the ex parte gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another person because less restrictive alternatives have been tried and found ineffective or are inadequate for the circumstances. (Pen. Code, § 18150, et seq.)

VI. SEARCH WARRANTS

- A. A search warrant may be obtained to remove a firearm or other deadly weapon from a domestic violence scene or premise occupied or under the control of a person arrested in connection with a domestic violence incident involving a threat to human life or a physical assault. (Pen. Code, § 1524(a)(9))

- B. A search warrant may be obtained, if a firearm or ammunition or both are in the custody or control of a person who is the subject of a Gun Violence Restraining Order (GVRO). (Pen. Code, § 1524(a)(14))
- VII. Procedures for initiating an 18400-weapon confiscation petition by law enforcement
- A. Law enforcement may petition the court within 60 days of seizure to keep the weapon if there is reasonable cause to believe that the return of the weapon would likely result in endangering the victim or other reporting person.
 - B. Attach a copy of the 18400 notice to the police reports prepared in connection with the domestic violence incident. (Pen. Code, §18405)
 - C. Determine whether the parties involved in the domestic violence incident have been involved in any prior incidents involving violence. Submit any such information with the 18400 packet.
 - D. Deliver the packet to the District Attorney's Office for review as soon as possible after the date of offense.
 - E. Have the packet date and time stamped at the front reception desk at the District Attorney's office.
 - F. Hand carry the packet to the assigned weapons confiscation Deputy District Attorney.
 - G. The District Attorney's Office will run the Automated Firearms computer screens in all domestic violence cases when feasible, and attempt to notify the courts of relevant information regarding those registered firearms.

Section 13 - Victim Assistance

- I. In all domestic violence incidents, an officer should:
 - A. Exercise reasonable care for the safety of the victims, officers, and parties involved.
 - B. Assist in arranging to transport the victim to an alternative shelter if the victim expresses a concern for safety or the officer determines a need exists.
 - C. Explain options available to the victim, including emergency protective orders, temporary restraining orders, and in cases of arrest, the follow up procedures and ensuing criminal proceedings.
 - D. Provide the victim with the District Attorney's Marsy's Law card, and, if applicable, your department's information for victims of domestic violence.
 - E. Verify and enforce court-issued protective orders as set forth in this protocol.
 - F. If a child is endangered by the domestic violence incident, Child and Family Services (CFS) shall be telephonically notified immediately, or as soon as practicably possible (805-654-3200) In addition, a Suspected Child Abuse Report (SS 8572) shall be transmitted to CFS within 36 hours of the incident.
 - G. Sexual assault victims shall be advised that pursuant to Penal Code section 293, his or her name will become a matter of public record unless he or she requests that it not be made public.
- II. When a party in a domestic violence incident requests law enforcement assistance to remove personal property to another location, officers shall stand by for a reasonable amount of time until the party has safely done so.

Addendum A – Risk Factor Awareness

Several risk factors have been associated with serious injury and homicide. It is important to recognize that significant risks can be present in a case without the presence of visual evidence such as signs of physical abuse.

Important Note: Risks can extend beyond the victim to her/his children and other family members, co-workers, new intimate partners, others living in the home, etc.

- I. Lethality risk factors for domestic violence may include:
- Ready access to firearms, knives, other deadly weapons.
 - Parties lived together within the past year and the victim has recently left or threatened to leave.
 - Suspect is unemployed.
 - Threats or use of firearms or other weapons against victim.
 - Specific threats to harm or kill victim, children, family members or pets.
 - Suspect has not previously been arrested for domestic violence.
 - Suspect is constantly jealous, obsessive/possessive or controlling of victim's daily activities.
 - Suspect is not the biological parent of victim's child or children.
 - Forced sex or sexual acts.
 - Physical violence that has increased in frequency and/or severity in the past year.
 - Perceived betrayal such as victim is in a new relationship or has recently filed for child custody or child support.
 - Current history of restraining order violations with intimate partner or family members.

- Current or history of strangulation, often referred to as “choking.”
- Alcohol abuse, illicit drug use, or prescription drug abuse.
- Mental health challenges such as suicidal thoughts or gestures, and/or past or current suicidal attempts or behaviors.
- Stalking behaviors such as suspect monitoring the victim’s whereabouts, phone or computer use, and/or following the victim.
- Increased physical violence during pregnancy.
- Isolation from friends, family, coworkers, or others.

II. If risk factors are identified, consider the following:

- Request an Emergency Protective Order, unless a restraining order is already in place.
- Request a bail enhancement or no bail, if applicable.
- Ensure that the victim receives the DV hotline numbers and DV Resource Guide (see Addendum E).

III. Assessing victim and/or suspect for suicide:

A. Ask questions such as:

- Have you ever felt so bad that you didn’t want to go on living? Do you feel that way now?
- Have you ever attempted or thought about suicide in the past?
- Are you thinking about killing yourself? Do you have a plan?

B. If suicide risks are present, contact the Crisis Intervention Team at 866-998-2243 for an assessment.

Addendum B – Strangulation

The California Legislature recognizes strangulation as a serious threat to the health and well-being of the citizens of California. In 2012, California Penal Code section 273.5 was amended to specifically include injuries as a result of strangulation and suffocation as grounds for felony prosecution:

Penal Code section 273.5 (d): “...traumatic condition” means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, *injury as a result of strangulation or suffocation*, whether of a minor or serious nature, caused by a physical force. For purposes of this section, “*strangulation*” and “*suffocation*” include *impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.*” [Pen. Code, § 273.5(d)]

Non-fatal strangulation is a significant risk factor for predicting future homicide in family abuse cases including domestic violence, elder abuse, and child abuse. Female survivors of non-fatal strangulation are more than 600% more likely to become a victim of attempted homicide and more than 700% more likely to become a victim of homicide. Often, strangulation leaves no visible signs of injury.

Completion of the Strangulation Documentation Supplemental Form is recommended in every “choking”/strangulation case, regardless of whether there are visible injuries. This form shall be submitted with the crime report(s) to the District Attorney’s Office for review.

- I. Visible Injuries: Although visible injuries are not often present, it is imperative to document any that do exist. Visible injuries can include but are not limited to:
 - A. Vertical fingernail scratch marks on the victim may be an indication of self-inflicted defensive wounds. Victim attempts to release the suspect’s grasp around the neck.
 - B. Half-moon shaped abrasions are generally less than one centimeter in size, on the back of the victim’s neck (potentially under the hair) may provide evidence the suspect’s hands were wrapped around the neck.
 - C. Bite marks on the suspect may indicate the victim’s attempts to get the suspect to release his/her grip. The victim may *not* remember biting the suspect. Some bite areas may include the suspect’s bicep(s), forearm(s), shoulder(s), and upper chest.

- D. Head injuries to the victim may happen when the suspect hits the victim's head on the floor or wall during strangulation.
 - E. Swelling (edema) of the victim's neck, lips, and/or tongue. Describe these in the narrative, as they may not photograph well.
 - F. Bruising to the neck, such as a pressure point from the suspect's thumb(s) on the neck or from a ligature. Often this bruising does not appear right away and may appear as redness on the neck.
 - G. Bruising underneath the victim's chin may occur from pressure when a victim pushes down with their chin to break the grip of the offender.
 - H. Petechiae may be present in some cases. These are pin point red or red-purple non-blanching dots that may be seen on the earlobes, eyelids, eyes, lips, cheeks, behind the ears, or elsewhere on the face or neck. Petechiae are caused when the jugular vein is blocked by pressure and capillaries (tiny blood vessels) burst. This same phenomenon can also occur in the brain of strangulation victims and it is extremely important to document its presence.
- II. Non-Visible Injuries (Symptoms): This evidence can be critical to the case, as visible injuries are often not present in cases of actual strangulation. It is important to ask victims about how they felt during and after the incident, as well as during the current interview. Since experiences may change with time, some victims may experience symptoms later.

Strangulation injuries are frequently not visible. Domestic Violence professionals must investigate further to gather evidence related to strangulation.

- III. Suspect Characteristics: It is important to ask the victim to describe characteristics about the suspect during the assault. Questions can include:
- A. In what direction did the suspect look during the assault?
 - B. What did the suspect look like while strangling you?
 - C. Did the suspect threaten to hurt or harm you during the assault?
 - D. What did the suspect say before, during, and after the assault?

VICTIM NAME (Last, First, Middle)	DATE OF BIRTH	M <input type="checkbox"/>	F <input type="checkbox"/>	CASE #
SUSPECT NAME (Last, First, Middle)	DATE OF BIRTH	M <input type="checkbox"/>	F <input type="checkbox"/>	

STRANGULATION EVENT QUESTIONS

(Audio/BWV record the victim's response to all of the following)

- What did suspect use to strangle you? Left Hand Right Hand Two Hands Forearm Knee/Foot
 Other Object(s): _____
 Describe manner/method in detail in narrative.
- Estimate how long strangulation lasted: _____ Minute(s) _____ Second(s) Multiple Times: Yes # _____ No
- Estimate the amount of force suspect used to strangle:
 (1 = weak, 10 = very strong): 1 2 3 4 5 6 7 8 9 10
- Describe suspect's emotional demeanor while strangling you: _____
- Describe the suspect's face/expression during strangulation: _____
- What did suspect say while strangling you? _____
- What else did suspect do while strangling you? _____
- Were you able to speak during the strangulation? Yes No If yes, what did you say? _____
- Did you do anything to attempt to physically stop the strangulation? Yes No Describe: _____
- What made the suspect stop? _____
- What did you think during the strangulation? _____
- Has suspect strangled you on other occasions? Yes No If yes, # of occasions: _____
- When/Where: _____
- If you are having trouble remembering, what do you remember about what happened?
 (Describe detail in narrative) _____

SYMPTOMS EXPERIENCED BY VICTIM (CHECK ALL THAT APPLY)

SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER
Vision Changes: Tunnel	<input type="checkbox"/>	<input type="checkbox"/>	Coughing Blood	<input type="checkbox"/>	<input type="checkbox"/>	Hoarse Voice	<input type="checkbox"/>	<input type="checkbox"/>
Vision Changes: Spots	<input type="checkbox"/>	<input type="checkbox"/>	Nausea	<input type="checkbox"/>	<input type="checkbox"/>	Loss of Voice	<input type="checkbox"/>	<input type="checkbox"/>
Hearing Loss/Changes	<input type="checkbox"/>	<input type="checkbox"/>	Vomit/Dry Heaving	<input type="checkbox"/>	<input type="checkbox"/>	Whisper Voice	<input type="checkbox"/>	<input type="checkbox"/>
Loss of Consciousness	<input type="checkbox"/>	<input type="checkbox"/>	Dizziness	<input type="checkbox"/>	<input type="checkbox"/>	Neck Pain/Tender	<input type="checkbox"/>	<input type="checkbox"/>
Unable to Breathe	<input type="checkbox"/>	<input type="checkbox"/>	Headache	<input type="checkbox"/>	<input type="checkbox"/>	Trouble Swallowing	<input type="checkbox"/>	<input type="checkbox"/>
Difficulty Breathe	<input type="checkbox"/>	<input type="checkbox"/>	Feel Faint	<input type="checkbox"/>	<input type="checkbox"/>	Pain Swallowing	<input type="checkbox"/>	<input type="checkbox"/>
Rapid Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Disorientation	<input type="checkbox"/>	<input type="checkbox"/>	Sore Throat	<input type="checkbox"/>	<input type="checkbox"/>
Pain While Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Memory Loss	<input type="checkbox"/>	<input type="checkbox"/>	Urinate	<input type="checkbox"/>	<input type="checkbox"/>
Shallow Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Painful to Speak	<input type="checkbox"/>	<input type="checkbox"/>	Defecate	<input type="checkbox"/>	<input type="checkbox"/>
Coughing	<input type="checkbox"/>	<input type="checkbox"/>	Raspy Voice	<input type="checkbox"/>	<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>

REPORTING OFFICER'S NAME & ID NUMBER:	DATE AND TIME:	APPROVED BY:

OFFICER OBSERVED INJURIES (CHECK ALL THAT APPLY)			
FACE	EYES	NOSE	MOUTH
<input type="checkbox"/> Skin Red/Flushed <input type="checkbox"/> Red Spots (e.g. petechiae) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Swelling <input type="checkbox"/> Bruising	<input type="checkbox"/> Red Eye <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Red Spots in Eye <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Red Spots on Eyelid <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Blood in Eyeball <input type="checkbox"/> Eyelid(s) drooping	<input type="checkbox"/> Redness <input type="checkbox"/> Red spots (i.e. petechiae) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Swelling <input type="checkbox"/> Bleeding	<input type="checkbox"/> Swollen Lips <input type="checkbox"/> Swollen Tongue <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Red Spots in Palate or Gums
EARS	UNDER CHIN	NECK	SHOULDERS
<input type="checkbox"/> Redness <input type="checkbox"/> Red spots (i.e. petechiae) <input type="checkbox"/> Bleeding <input type="checkbox"/> Bruising or Discoloration <input type="checkbox"/> Swelling <input type="checkbox"/> Red Spots Behind Ear(s) <input type="checkbox"/> Bruising Behind Ear(s)	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Other:	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Ligature Marks <input type="checkbox"/> Red Spots (e.g. petechiae) <input type="checkbox"/> Swelling	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Other:
HANDS, FINGERS, ARMS	HEAD	CHEST	OTHER
<input type="checkbox"/> Redness <input type="checkbox"/> Bruising <input type="checkbox"/> Swelling <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Broken Fingernails	<input type="checkbox"/> Lumps/Bumps <input type="checkbox"/> Lacerations <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Hair missing <input type="checkbox"/> Red Spots on Scalp (e.g. petechiae)	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks)	Describe _____ _____ _____ _____

OFFICER CHECKLIST

- Photograph all injuries, scene and physical evidence.
- Audio and/or Body Worn Video recording of all statements from victim, suspect, children and witnesses.
- If strangulation was done using an object, photograph and collect the object.
- Document where all evidence items were found.
- Determine if jewelry was worn by either party during the incident. If so, photograph it and, when feasible, look for pattern injuries.
- If defecation or urination in clothing, collect the clothing as evidence.
- If victim vomited, take photos of the vomit.
- Contact Supervisor and consider contacting duty detective.
- Take photographs of BOTH parties to document injuries and/or lack of injuries. Include hands, arms, face, chest, neck and all other areas the parties claim injury or physical contact occurred.
- Obtain signed Authorization for Medical Records Release from victim (and suspect if applicable).
- Insure the canvas for both eye and ear witnesses is completed and all contact information documented.
- Obtain evidence from hospital, if available, or follow-up to retrieve.

REPORTING OFFICER'S NAME & ID NUMBER:	DATE AND TIME:	APPROVED BY:

Addendum C – Common Charges

Domestic Violence incidents may result in a violation of one or more of the following sections of the Penal Code:

136.1	Intimidating or dissuading a witness (Felony if by force, threat, or conspiracy)
148	Resisting arrest by interfering with lawful duties of a peace officer
166(a)(4)	Disobedience of any court order
166(c)(1)	Disobedience of restraining order (misdemeanor)
166(c)(4)	Second conviction (felony)
187	Murder
664/187	Attempted murder
207	Kidnapping
236	False Imprisonment
240	Assault
242	Battery
243(d)	Battery with serious bodily injury (felony)
243(e)(1)	Domestic battery (injury not required)
245	Assault with a deadly weapon, firearm, or force likely to cause GBI
246	Shooting at an inhabited dwelling
246.3	Negligent discharge of a firearm
262	Spousal rape
273.5(a)	Corporal injury to spouse/cohabitant
273.6	Domestic violence restraining order violation
273.6(d)	Domestic violence restraining order violation with threat
273a(a)	Child abuse (felony)
273a(b)	Child abuse (physical or emotional- misdemeanor)

368	Elder abuse
417(a)	Brandishing a weapon
418	Forcible entry into the home of another
422	Criminal threats
459	Residential burglary
591	Malicious destruction of electronic device (phone)
594	Vandalism
602.5	Trespassing
603	Forcible entry with damage to property
646.9	Stalking
653m	Annoying phone calls
12022	Possession of a deadly weapon
29800(a)(1)	Possession of a firearm by convicted felon
29825(b)	Possession of a firearm while subject to a restraining order
29805	Possession of a firearm within ten years of specified misdemeanor conviction (includes domestic violence offenses)
27500(b)	Supplying, delivering, selling, giving possession or control of firearm to prohibited person pursuant to Penal Code 12021 or 12021.1

Addendum D – Safe Harbor Multidisciplinary Centers

SAFE HARBOR EAST

2639 Avenida Simi
Simi Valley, California 93065

Business Hours Activation Line: 805-579-6912
After Hours Activation – Answer Net: 800-289-9858
Program Coordinator Jacquie Richardson Cell (24/7) 805-551-3449
District Attorney Safe Harbor Victim Advocate 805-494-8257

SAFE HARBOR WEST

2982 Martha Drive
Ventura, California 93003

Business Hours Activation Line: 805-641-4430
After Hours Activation - Answer Net: 800-289-9858
Program Coordinator Susan Becker Cell (24/7) 805-947-8158
District Attorney Safe Harbor Victim Advocate 805-647-4427

Addendum E – Domestic Violence Resources

National Domestic Violence Hotline 1-800-799-SAFE (7233)

Domestic Violence Services, Shelters & Restraining Order Assistance

District Attorney’s Office Crime Victim Assistance Unit.....805-654-3622

Coalition for Family Harmony (24-Hour Hotline and Shelter)800-300-2181

Interface Child and Family Services (24-Hour Hotline and Shelter)800-636-6738

Other Services

Children’s Intensive Response Team (for suicidal/violent children, teens) ...866-431-2478

Child Protective Services805-654-3200

211 Ventura County (24-hour hotline referral services)..... **dial 2-1-1 or 800-339-9597**

Ventura County Behavioral Health
(available 24/7 for people in crisis or seeking help).....866-998-2243

Children’s Resources

Interface Child and Family Services (Youth Crisis Outreach Line).....805-469-5882

CASA (Court Appointed Special Advocates).....805-389-3120

City Impact (Outreach and support for at risk youth).....805-983-3636

121 Help.me (North American Alliance of Child Helplines).....855-201-2121

California Youth Crisis Line (Statewide help line)800-843-5200

All resources are available in Spanish

Translation Services

Mixteco Indigena Community Organizing Project (MICOP)
(Spanish and Mixteco Translation).....805-483-1166

<http://www.counts.ca.gov/3796.htm>

(Provides contact information for Court interpreters in all languages)

Addendum F – Protective Orders

Different types of protective orders are issued by Ventura County courts and victims may obtain multiple orders. The most restrictive order prevails, with an emergency protective order (EPO) superseding all other orders. (Pen. Code, §136.2(c)(1)(B)(2)) The conduct of the parties cannot modify a restraining order. (Pen. Code, §13710(b)) Only a judge can modify an order.

An order may require “No contact” or may be limited to “No force or violence.” No force or violence restraining orders permit a restrained person to have contact with a protected person, however, they are not allowed to: harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected party.

Each order is issued with a unique case number. The following is a guide of sample court case numbers for the corresponding type of protective order:

Type of Order	Sample Court Order Case Number
Emergency Protective Order	Agency DR# (ex: 17-00210)
Civil Harassment Restraining Order	CH - 56-2017-00452989-CU-HR-VTA
Elder Abuse Restraining Order	EA -26-2017-23896214-CU-PT-VTA
Criminal Protective Order	CPO #71350
Civil Domestic Violence Restraining Order	D191856 (filed in Ventura courthouse) Or SD 191856 (filed in Simi courthouse)
Dependency Restraining Order	D542456
Juvenile Court Order	J123621
Gun Violence Restraining Order	2017-00494147

Addendum G – Military Contacts and Resources

Domestic violence, sexual assault, and child abuse have a negative impact upon military readiness, effectiveness, good order, and discipline. In order to address these concerns, the U.S. Department of Defense has developed policies and procedures and mandated the creation of various investigative and support services. Accordingly, properly responding to these incidents is a leadership issue.

THE NAVY FAMILY ADVOCACY PROGRAM (FAP)

The Navy Family Advocacy Program (FAP) assists with, and responds to, all allegations of domestic abuse and child abuse. Naval victim advocates assist victims with resources and referrals to help them maintain safety in or out of an abusive relationship. The Navy may intervene with immediate safety needs by issuing a **Military Protective Order** that instructs the service member to stay away from the alleged victim. This is recognized by the Navy only. A civilian protective order is necessary for law enforcement protection.

THE NAVAL BASE VENTURA COUNTY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM (SAPR)

The Naval Base Ventura County provides 24/7 crisis response to victims of sexual assault, including active duty military, military dependents over the age of 18, and reservists. The SAPR program offers a variety of resources, including 24/7 on-call advocates, a victim's legal counsel, safety assessment and planning, and other forms of assistance. SAPR victim advocates provide immediate crisis response and continued support throughout the entire process. They can accompany victims to all law enforcement, legal, and medical appointments and facilitate connecting victims with various military and civilian supportive resources.

CONTACTS FOR NAVAL BASE VENTURA COUNTY

Naval Base Ventura County serves both Point Mugu and Port Hueneme. The following services are available for active duty military personnel, reservists, and military dependents:

Counseling and Advocacy Program
(Family Advocacy, Domestic Abuse and Child Abuse)
805-982-5330

Domestic Abuse Victim Advocates
805-982-3788 Office
805-202-6543 24/7 Duty Cell
805-509-5319 24/7 Duty Cell

Sexual Assault Response Coordinator
(Sexual assault involving service members or their dependents over 18)
805-982-6139 Office
805-207-5309 24/7 Duty Cell

Sexual Assault Victim Advocacy Support Specialist
805-746-1538 24/7 Duty Cell

Sexual Assault Safe Helpline
(Department of Defense, confidential and anonymous)
877- 995-5247

Force Protection (Base Police)
805-982-4591

Naval Criminal Investigative Services (NCIS)
805-982-4524

Fleet & Family Support Center
1000 23rd Avenue, Bldg 1169
Port Hueneme, CA 93043
805-982-5037

Fleet & Family Support Center
Point Mugu North Mugu Road
Bldg 225 Point Mugu, CA 93043
805-989-8146

Alternate Impact Weapon Authorization Form.pdf

Alternate Impact Weapon Authorization Form

Date: _____

Employee: _____

Make: _____

Model: _____

Length: _____

Diameter: _____

Straight: _____ **Sidehandle:** _____

Fixed: _____ **Expandable:** _____

Approved for use: Yes ___ No ___

Impact Weapons Instructor: _____

Signature

Authorizing Supervisor: _____

(Defensive Tactics Unit)

Signature

The Defensive Tactics Coordinator shall maintain a copy of this form and the original shall be placed in the employees personnel file.

**Senior Officer -Sergeant
Promotability Evaluation Form.pdf**

SENIOR OFFICER/SERGEANT PROMOTABILITY EVALUATION FORM

DATE: _____ RATER: _____

Rating Guide		Final Rating
90-100	Outstanding	
80-85	Well Qualified	
70-75	Satisfactory	
60-65	Weak	

CANDIDATE: _____ SIGNATURE: _____

INSTRUCTIONS: Promotability Board Members are required to comment on each category below. Comments must support final score.

PERS PACKAGE REVIEW:

NOTE: This factor involves an evaluation of the candidate's PERS package to determine suitability for promotion.

LEADERSHIP:

NOTE: This factor involves an evaluation of the candidate's ability to influence others in a positive manner.

PROBLEM SOLVING:

NOTE: This factor involves an evaluation of the candidate's skill in resolving problems in a competent manner.

TACTICS:

NOTE: This factor involves an evaluation of the candidate's knowledge and experience in implementing appropriate field tactics.

ORAL COMMUNICATION:

NOTE: This factor involves an evaluation of the candidate's oral communication (presentation, tact, counseling skills).

JUDGMENT/DECISION-MAKING:

NOTE: This factor involves an evaluation of the candidate's logic, appropriate judgment, and timely decision-making ability.

ATTITUDE:

NOTE: This factor involves an evaluation of the candidate's teamwork, willingness to assist others, and enthusiasm towards getting the job accomplished.

INTERPERSONAL SKILLS:

NOTE: This factor involves an evaluation of the candidate's honest, forthright approach to relationships and issues.

COMMITMENT TO THE DEPARTMENT:

NOTE: This factor involves an evaluation of the candidate's dedication to the Department's Mission Statement and Value Statement.

Candidates will be provided copies of this form after the testing process in order to discuss these evaluations with Board Members.

Earned Credits Form - Senior Officer - Sergeant.pdf

**PROMOTIONAL EARNED CREDITS FORM
SENIOR OFFICER AND SERGEANT**

Applicant's Name: _____

To be prepared independently of personal evaluations and compiled from information available in the candidates personnel folder.

<u>Total Sworn Law Enforcement Experience:</u>				<u>Rating</u>	<u>Weight</u>	<u>Score</u>
1	Point	3-4	Years	_____	x 3 =	_____
2	Points	5-6	Years	_____	x 3 =	_____
3	Points	7-8	Years	_____	x 3 =	_____
4	Points	9-10	Years	_____	x 3 =	_____
5	Points	11-12	Years	_____	x 3 =	_____
6	Points	13-14	Years	_____	x 3 =	_____
7	Points	15-16	Years	_____	x 3 =	_____
8	Points	17-18	Years	_____	x 3 =	_____
9	Points	19-20	Years	_____	x 3 =	_____
10	Points	21+	Years	_____	x 3 =	_____

Education

1	Point	Over 30 College Units	_____	x 8 =	_____
2	Points	Associate's Degree or 70 Units	_____	x 8 =	_____
3	Points	Associate's Degree + 30 Units	_____	x 8 =	_____
4	Points	Bachelor's Degree	_____	x 8 =	_____
5	Points	Graduate Degree	_____	x 8 =	_____

Circle any of the following **PRIMARY** assignments held for one year:

CLO, DARE, Detective (Includes Background Investigator), K-9, PROS Officer, SED (SES), SID (SPS), SRO, Senior Officer/FTO

-OR- served on the SWAT Team or CNT

(10 Points Each, Maximum 20 Points)

20 Points Max

Circle any of the following **ANCILLARY** assignments held for one year:

Academy Instructor, Alternate Senior Officer (If credit not given for being a Senior Officer), Auxiliary Background Investigator, Auxiliary Recruiter, Bike Patrol, Equipment/Uniform Committee, Defensive Tactics Instructor, Explorer Advisor, Honor Guard, MRE Trainer, Off-Road Team, Peer Support, PMT/CAB, POST Certified Instructor, Range Master, Recognition Committee, Recruit Training Officer, Safety Advisory Committee, TST

(2 Points each, Maximum 10 Points)

10 Points Max

Total Earned Credits Points: _____

Percent of Earned Credits: 10% x Total Points _____ = Final Score _____

Form Prepared By: _____

Date: _____

Verified By: _____

Date: _____

NOTE: Candidates may not receive credit twice for the same assignment (IE: POST Certified Instructor & FTO, Defensive Tactics, etc)

There is no minimum passing score on this segment of the process.

Revised: 09/06/2017

Ventura_County_LE_Mutual_Aid_Manual.pdf

Ventura County Law Enforcement



OPERATIONAL AREA MUTUAL AID MANUAL

Revised 02 September 2014

Sheriff's Office of Emergency Services

BB

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**Ventura County Law Enforcement
MUTUAL AID MANUAL**

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Ventura County Law Enforcement
MUTUAL AID MANUAL
SECTION 1

Watch Commander
QUICK REFERENCE CHECKLIST

REQUESTING AGENCY CHECKLIST:

- ❑ Call the Sheriff's Office Watch Commander:
(805) 662-6755 or 654-9511
- ❑ Provide the following information:
 - ❑ Type of incident or situation
 - ❑ Incident location
 - ❑ Approximate number of participants (if a disturbance or civil unrest)
 - ❑ Anticipated duration
 - ❑ Command Post location
 - ❑ Staging area for responding resources
 - ❑ Call back phone number

SHERIFF'S WATCH COMMANDER CHECKLIST:

- ❑ Notify West County Patrol Commander or Sheriff's designee
- ❑ Notify local law enforcement agencies (List on following page)
 - ❑ Give them your call back phone number
 - ❑ Advise them of the staging and command center locations
 - ❑ Request call back with number of resources responding and estimated time of arrival at staging area
- ❑ Notify Sheriff's OES (654-2551 or 947-8210 if after hours)
- ❑ Notify Requesting Agency of the level of response after contact has been made with each assisting local agency

RESPONDING AGENCY CHECKLIST:

- ❑ Determine what your level of response will be and when they will arrive at the staging area. **NOTE: Ensure responding personnel are properly equipped for the mission (i.e. helmet, gas mask, riot control gear for civil unrest, etc.).**
- ❑ Provide this information to the Sheriff's Watch Commander at (805) 662-6755.

LOCAL AGENCY POINTS OF CONTACT

In the event that mutual aid is requested and authorization is given for that mutual aid response, the contacts provided below have their agency's authority and responsibility to mobilize personnel and equipment to meet mutual aid demands.

VENTURA COUNTY SHERIFF'S OFFICE

Watch Commander (24-hours)	Direct Line	805-662-6755
	Communications	805-654-9511

OXNARD POLICE DEPARTMENT

Watch Commander (24-hours)	Direct Line	805-385-7778
	Communications	805-385-7780

PORT HUENEME POLICE DEPARTMENT

Chief Robert Gager	805-986-6622	805-797-5567
Lieutenant Robert Albertson	805-986-6644	805-797-0117
Watch Commander (24-hours)	805-986-6530	

VENTURA POLICE DEPARTMENT

Watch Commander (24-hours)	Direct Line	805-339-4416
	Communications	805-339-4399

SANTA PAULA POLICE DEPARTMENT

Chief Steven McLean	805-525-4474 X122	213-220-5639
Commander Ismael Cordero	805-525-4474 X124	805-421-7174
Watch Commander (24-hours)	805-525-4477	

SIMI VALLEY POLICE DEPARTMENT

Watch Commander (24-hours)	Direct Line	805-583-6937
Communications	805-583-6950	805-527-2911

DISTRICT ATTORNEY BUREAU OF INVESTIGATION

Chief Investigator Mike Baray	805-477-1614	805-947-7598
Commander Cloyce Conway	805-477-1648	805-947-7977

CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS POLICE DEPARTMENT

Chief John M. Reid	805-437-8447	805-205-3444
Lt. Michael Morris	805-437-8881	805-407-9817
Watch Commander	805-437-8444	

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT POLICE DEPARTMENT

Chief Joel Justice	805-652-7751	818-585-4965
Lt. Greg Beckley	805-378-1455	805-378-1455

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MUTUAL AID CONTACT HIERARCHY



Request law enforcement resources for a law enforcement mission.



If resources within the Operational Area are insufficient to deal with the mission, the Sheriff may request assistance from the Region 1A Coordinator.



If resources within Region 1A are insufficient to deal with the mission, the Region 1A Coordinator will request assistance from State OES.



Ventura County Law Enforcement MUTUAL AID MANUAL

SECTION 2

INTRODUCTION TO COUNTY MUTUAL AID

The purpose of this plan is to coordinate law enforcement mutual aid operations at the local or Operational Area level. It serves also to establish procedures for alerting, dispatching, and utilizing law enforcement resources.

The goals of this mutual aid agreement are to establish procedures for participating law enforcement agencies to follow for obtaining assistance when any single agency is unable to control a given situation utilizing only its own resources.

This plan serves to implement mutual aid within the boundaries of Ventura County, but is not intended to supersede the State Mutual Aid Plan. This document also provides information on how mutual aid is activated within the region. For more detailed information, refer to the Cal OES 2014 Law Enforcement Mutual Aid Plan located at: <http://www.calema.ca.gov/LawEnforcement/Pages/Mutual-Aid.aspx>.

KEY POINTS

- ✓ A viable plan for working together
- ✓ Supplements resources in critical situations

Law enforcement mutual aid may be exercised in different ways. The most common one is the day-to-day assistance freely offered between agencies engaged in the prevention of criminal activity and in the apprehension of criminal offenders. Law Enforcement Mutual Aid (LEMA) resources are also activated regularly, for example, to assist in SAR (Search and Rescue) missions or to provide air support to patrol officers. Less common, but equally important, are the responses to civil disorders and disasters (natural or man-made).

LEMA is coordinated at the Operational Area level (a county, along with political subdivisions within the county) by the Sheriff, who is also designated (by ordinance and local agreement), as the Operational Area Director of Emergency Services. **All local requests for LEMA must be coordinated through the Operational Area Coordinator (Sheriff) or the Sheriff's designee.** This includes requests for out-of-county law enforcement resources to be used in the Operational Area.

Several other Mutual Aid systems exist in parallel to the law enforcement system. These include Fire, Emergency Medical Services, Public Works, Emergency Management and the Coroner systems. In general, elected or appointed officials within their field of expertise coordinate these systems. Normal requests for these resources to be applied to a law enforcement incident are coordinated by the

Operational Area Coordinator of that particular field (Fire, PW, EMS, etc.), unless the resources are to be used for an incident not specifically related to their primary mission. For example, requests for out-of-county resources to be used in handling incidents of flooding are requested by the Sheriff's Office of Emergency Services, serving as the Operational Area Coordinator.

California is divided into seven law enforcement mutual aid regions, all coordinated by Cal OES. Region 1A includes the counties of San Luis Obispo, Santa Barbara and Ventura.

The Law Enforcement Regional Mutual Aid Coordinator for Region 1A is currently the Sheriff of Santa Barbara County. Requests for out-of-county law enforcement resources are directed to the Regional Coordinator by the Operational Area Coordinator. If the need cannot be met within the region, it is forwarded to the State for further action. The Cal OES LEMA Coordinator may utilize adjacent (or more distant) county resources, state owned resources (CHP, Fish & Game) or may request the Governor to activate California National Guard resources. In extreme situations, the Governor may request the President to provide assistance, which could include federal law enforcement agencies (Secret Service, U.S. Marshals, ATF, DEA or Coast Guard) or elements of the Department of Defense.

The initial call from a local law enforcement agency for mutual aid resources should be to the Sheriff's Watch Commander, representing the Operational Area Law Enforcement Coordinator. If the resources within the Operational Area are insufficient, the Ventura County Sheriff's Watch Commander would notify the region 1A Coordinator in Santa Barbara County. The Region 1A Coordinator would then advise the Cal OES State Warning Center of any further needs, which would then be transmitted to the Cal OES LEMA Coordinator.

KEY POINTS	<ul style="list-style-type: none">✓ Ventura County is our <u>Operational Area</u>. Resources are requested through the Ventura County Sheriff's Watch Commander✓ <u>Region 1A</u> resources are requested through Santa Barbara SO by VCSO.
-------------------	--

RESPONDING TO DISASTERS AND CIVIL DISORDER:
OVERVIEW AND PHILOSOPHY

In dealing with disaster strategy, there are two areas of primary importance: disasters (either natural or man-made) and civil disorders.

With natural or man-made disasters we subscribe to the universal law enforcement goal of protecting life and property and to rescuing victims. More specifically, in cases of man-made disasters such as acts of terrorism that result in widespread destruction and major loss of life or large numbers of casualties, there is also the critical need for scene and evidence protection for investigative and prosecution

purposes.

KEY POINTS	<ul style="list-style-type: none">✓ Protect life and property✓ Rescue victims✓ Identify and protect evidence
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During civil disorder we have seen several different methods used over the years by law enforcement at the onset of these incidents. One method has been to attempt to contain the affected area and let the disturbance “burn itself out.” Another has been to commit resources to the incident and suppress it.

Law enforcement has learned from past experience that it is next to impossible to contain a riot. Participants can and will move out of the contained area only to commit further acts of violence or crime elsewhere. We recognize that standing by and letting a situation “burn itself out” exacerbates rather than resolves the problem.

Based upon these observations, it is our policy that at the onset of civil disorder and riot, we will move immediately to suppress the outbreak through the judicious use of all necessary resources and with such reasonable and lawful force as is necessary to accomplish this goal.

In addition, Section 26602 of the California Government Code states, in part, “The Sheriff shall prevent and suppress any affrays, breaches of the peace, riots, and insurrections which come to his or her knowledge ...” It remains our policy to arrest and detain all law violators tempered only by the realities faced at the time the opportunity for arrest presents itself, with manpower being a significant determining factor.

Much latitude must be given field supervisors or the incident commander in dealing with arrest issues when the numbers of law violators (i.e., looters) far exceed that of law enforcement personnel. Also, to mass arrest means mass bookings which, contributes to the problem of losing the tactical use of field personnel. The circumstances of the situation may require the incident commander to exercise the option to disperse rather than arrest. Consideration should also be given to field bookings, cites and releases away from the area of the disturbance.

KEY POINTS	<ul style="list-style-type: none">✓ Suppress outbreaks immediately✓ Utilize necessary manpower✓ Utilize available resources✓ Utilize Mobile Field Force (MFF) tactics
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It is important that intelligence regarding any potential for disorder be shared as soon as it is known. **Any law enforcement agency that undertakes specific planning for anticipated civil unrest should immediately notify the affected Operational Area Mutual Aid Coordinator, who should pass this information along to the Cal OES Law Enforcement Division. It is also important to share planning information with local Fire/EMS officials.**

Mobile Field Force (MFF)

A Mutual Aid MFF is a regionally organized, trained and equipped group of officers and supervisors from a coalition of independent agencies that may be deployed to major emergencies with sufficient resources to mitigate potential or real problems. It is a statewide standard configuration for the resource typing of law enforcement resources.

The MFF concept has been developed to provide an efficient and effective method for assembling and deploying a platoon-size, tactical force for mutual aid missions within the State of California.

In 1997, the SEMS Law Enforcement Specialist Committee, under the guidance of the Governor's Office of Emergency Services, refined and adopted the multi-agency Mobile Field Force concept, configuration, protocols and standards for statewide application. This configuration has been established to create a standard for ordering, providing, and/or receiving law enforcement personnel in a mutual aid situation.

The Statewide standard for a MFF platoon consists of (4) 12-person squads (including 1 sergeant per squad), with an OIC (minimum rank of lieutenant or equivalent) and Deputy OIC (minimum rank of sergeant), each with a driver. Each squad is contained in 3 vehicles. Minimum total personnel are 52, in a total of 14 vehicles.

Rarely will one department be able to staff an entire platoon, particularly in spontaneous situations. Most often the MFF will consist of a coalition of personnel from various agencies within the County. One of the strengths of the MFF concept is the utilization of standardized techniques and terminology for assembly and deployment that is conducive to being used by a mix of personnel. Although the lead agency is not required to configure or define their daily operations utilizing the State standard configuration, it is highly recommended that agencies use the agreed upon standard terminology and organizational structure for requesting or providing mutual aid. ***Any deviation from the established standards should be identified at the time of ordering so as to facilitate efficient planning, logistical support and deployment of resources.***

For example, if a jurisdiction needs a MFF for responding to civil unrest, the requesting agency needs to identify that purpose at the time of ordering. This will help to ensure that the MFF is properly augmented with the appropriate resources, such as prisoner vans, counter-snipers, less lethal munitions, etc.

In another instance, a requesting jurisdiction may need a MFF for perimeter and traffic control around a wildland fire. In this case, it would be more advantageous to have two officers/deputies per vehicle in order to cover the largest possible area. Since the standard configuration is four officers/deputies per vehicle, the requesting agency should identify the need for deviation of the standard configuration at the time of the initial request.

By establishing a standard MFF configuration, Law Enforcement Incident Command System (LEICS) overhead teams can accurately plan for, deploy, and support the logistical needs of mutual aid resources (i.e., how many people to feed and how many vehicles to stage and fuel).

Should the mission require less than the resources of a platoon, the request could be made in terms of squads. The 12-person squad should remain standard.

Mutual Aid Field Force Capability

The MFF can be configured for a variety of mutual aid response needs, including civil unrest and large-scale natural or human-caused disasters.

The following are some of the functions that can be performed by the MFF:

- Provide 12 (4-person) mobile patrols within an assigned area.
- Provide approximately 20 traffic control posts.
- Provide approximately 12 roadblocks under civil disturbance conditions.
- Provide security for critical facilities.
- Provide 4 squad-sized crowd control elements with the ability to deploy chemical agents while having the mobility of immediate vehicle access.
- Civil disturbance control.

The MFF may be augmented with two prisoner transportation vans in order to be more effective in civil disturbance operations.

A further description of Mobile Field Force configuration and personnel duties can be found in Section IV of the 2009 Cal OES *Law Enforcement Guide For Emergency Operations*.

Use of Force Policy

Existing agency policies with regard to the use of force, firearms, conduct and ethics shall remain in effect during any civil unrest or disaster.

Maintaining standards of conduct during riots or major disasters requires articulating the expectations for field personnel including a clear statement of the rules of engagement, accompanied by strong leadership and supervision.

Because of the political nature of most public disorders, police command and supervisory personnel must be aware of the implications of statements they may make to personnel and to the public.

News media will be well represented at any large-scale operations. It is our intent to cooperate with the press to the fullest extent possible. Departmental policies will be followed and field personnel will refer inquiries from the news media to the designated public information officer. This does not prohibit statements by field personnel regarding isolated incidents in which they are involved as per existing policy.

MUTUAL AID PLAN DEFINITIONS

Local Emergency - "Local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission. [Section 8558(c), California Government Code].

Mobile Field Force - A fast and effective method to assemble and deploy a tactical force from on-duty personnel. It is adaptable to both planned events and spontaneous incidents, which require the rapid assembly of large numbers of personnel.

Operational Area – An intermediate level of the state emergency organization, consisting of a county and all political subdivisions within the county area.

Operational Area Coordinator - The County Sheriff.

Mutual Aid Region - A multi-county area established by Cal OES to facilitate coordination of mutual aid. (Note: Ventura County is part of Region 1A, which also includes Santa Barbara and San Luis Obispo Counties.)

Regional Coordinator - An Operational Area LEMA Coordinator elected by other Coordinators within a Cal OES-defined region to act as the overall mutual aid coordinator for that region.

State Law Enforcement Mutual Aid Coordinator - The Chief of the Cal OES Law Enforcement Division.

Unusual Occurrence - An event involving potential or actual personal injury or property damage arising from fire, flood, storm, earthquake, wreck, enemy action, civil disturbance, or other natural or human caused incident requiring an exceptional law enforcement response.

Standard Emergency Management System (SEMS) – The emergency management system required by California statute, Government Code 8607(a), for emergency response and disaster management in multi-agency and multi-jurisdiction emergencies. Local California governments are required to use SEMS

in emergency response and disaster management to be eligible for any available disaster reimbursement funding for its personnel related costs provided through state disaster assistance programs.

The Standard Emergency Management System (SEMS) incorporates the use of:

Incident Command System (ICS) - The field level emergency management response system and organization. The combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident.

Unified Command - A unified team effort which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. This is accomplished without losing or abdicating agency authority, responsibility or accountability.

Area Command - An organization established to: 1) oversee the management of multiple incidents that are each being handled by an Incident Command System organization; or 2) to oversee the management of a very large incident that has multiple Incident Management Teams assigned to it. Area Command has the responsibility to:

- Set overall strategy and priorities;
- Allocate critical resources based on priorities;
- Ensure that incidents are properly managed, and;
- Ensure that objectives are met and strategies followed.

Command Level – Personnel holding the rank of Lieutenant or above.

KEY POINTS	✓ SEMS required in multi-agency response to emergencies and disasters
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RESPONSIBILITY FOR CALL-UP AUTHORIZATION

It will be the responsibility of the Ventura County Sheriff's Office to initiate the operational area mutual aid plan. Authorization for mobilization shall come from the Sheriff, who serves as the Operational Area Coordinator, or his designated subordinate.

The requesting agency shall contact the Sheriff's Office for authorization of mutual aid. The requesting agency will give information as to the size of the incident and advise what assistance is necessary, i.e., numbers of personnel, specialized units or equipment, etc. The requesting agency shall advise on the locations of the staging area and the Incident Command Post (ICP).

Upon receipt of this information and request for aid, the Sheriff's Office will advise all participating agencies of the authorization for a mutual aid response. It will then be the responsibility of each agency to mobilize their Level 1 resources (see Page 15) and dispatch them to the identified staging area. Each responding agency will notify the Sheriff's Watch Commander with the type and number of resources they are sending, along with the estimated time of arrival. The Sheriff's Watch Commander will forward that information to the Command Center established by the requesting agency.

KEY POINTS	<u>WHEN REQUESTING RESOURCES:</u>
	<ul style="list-style-type: none">✓ Call the Sheriff's Watch Commander✓ Advise where the staging area and Command Center is located.

KEY POINTS	<u>WHEN SENDING RESOURCES:</u>
	<ul style="list-style-type: none">✓ Tell the Sheriff's Watch Commander the type and number of resources you are sending and when they are expected to arrive.✓ This information will be given to the requesting agency.

OBTAINING MUTUAL AID

LOCAL - When a Chief of Police or their designee determines that an emergency situation in their jurisdiction may become or is already beyond the control of that department's resources, it is that Chief's responsibility to request mutual aid from the Operational Area Coordinator.

OPERATIONAL AREA - When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within an operational area, it is the responsibility of the Operational Area Coordinator to provide assistance and coordination to control the problem [**Section 26602 of the Government Code**]. If it should appear likely that the resources of an operational area might be depleted, the Operational Area Coordinator should advise the Regional Area Coordinator in advance.

REGIONAL - Should an existing or anticipated emergency be of such magnitude as to require the commitment of the resources of one or more operational areas, it is the responsibility of the Regional Area Coordinator to organize the dispatching of resources within the region. The Regional Area Coordinator will keep the State LEMA Coordinator advised.

STATE – If the combined resources of a region are not sufficient to cope with an emergency situation, or if such a condition is anticipated, the Regional Coordinator

will request additional assistance through the State LEMA Coordinator.

KEY POINTS

- ✓ The Sheriff is the Operational Area Coordinator for Ventura County and manages resource response to any agency requesting assistance.

COMMAND RESPONSIBILITY

All command responsibility pertaining to the establishment of an Incident Command Post will rest with the agency requesting assistance or the agency that has jurisdiction in the affected area.

When it becomes necessary for the Operational Area Coordinator to provide mutual aid assistance to a requesting agency, a Unified Command may be established to respond to the emergency. It is clear that a unified approach to these types of emergencies will provide the essential management to integrate the disciplines of all affected departments and agencies. This concept in no way advocates decision-making by committee, but provides a management structure and method for insuring that all the concerns, issues, authority and responsibilities of each department are collectively considered.

KEY POINTS

- ✓ A Unified Command may be established when mutual aid is provided.

In the event that any assisting agency does not provide command level personnel for the Unified Command operation, the Sheriff, as the Operational Area Coordinator, will assume that function for that agency and its personnel.

If the requesting agency does not have command level personnel available, the Operational Area Coordinator will assume command responsibility until such time as the requesting agency's command level personnel are available.

Personnel will follow their own department's policies and procedures. However, the final command decisions, as to actions taken by the entire mutual aid force, shall rest with the requesting agency.

The Operational Area Coordinator will remain the coordinator of the mutual aid response agencies until the emergency is over and all responding agency personnel are released to return to their respective jurisdictions.

DEGREE OF ASSISTANCE

The requesting agency should attempt to accurately evaluate the situation and determine resource needs prior to requesting mutual aid from the Operational Area Coordinator. The Operational Area Coordinator will be responsible for seeing that

the needs of the requesting agency are met.

The Ventura County Law Enforcement Mutual Aid Manual has been set up to establish two (2) levels of response to requests for mutual aid. The number of resources available in each level is determined by each agency and is listed in this manual's Summary of Local Resources. The criteria upon which these quantities were based are as follows:

- There is no prior notice given to the agency;
- The agency is at a minimum staffing level at the time the request is received; and
- The agency's jurisdiction is not directly impacted by the event.

The resources listed in each of the levels of response are only a suggestion and may increase or decrease with emergency situations in each of the agency's jurisdictions. The two levels of response are:

LEVEL 1: This level of response does not exceed approximately 50% of the agency's on-duty uniformed patrol personnel at the time of request.

LEVEL 2: This level of response incorporates what an agency is able to commit for an on-going (72 + hours) operation. Agencies will respond all possible personnel and supporting equipment, but still retain enough to provide minimal line functions to their respective jurisdictions. This may necessitate the cancellation of days off and other schedule modifications. Due to the severity of the workload that this places upon an agency, this response will be utilized only in cases of great magnitude.

NOTE: The above levels of response are for mutual aid requests only and **do not** in any way change an agency's response to another agency's Code 999 request.

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Ventura County Law Enforcement MUTUAL AID MANUAL

SECTION 3

LOCAL RESOURCES

The resources listed on the following pages are presented here to provide basic information for planning for responding to an incident requiring mutual aid. The actual number of personnel and other resources provided by assisting agencies will be determined by the respective agencies at the time mutual aid is requested.

Refer to the previous section, entitled “Procedure – Degree of Assistance” for more details.

- **Level 1 Response:** The initial response to a mutual aid request.
- **Level 2 Response:** The sustained response to an ongoing operation.

LEVEL 1 RESPONSE	Does not exceed approximately 50% of an agency’s on-duty uniformed patrol deployment at the time of request.
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LEVEL 2 RESPONSE	100% of possible personnel and equipment, while retaining enough to perform minimal line functions in own jurisdiction.
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NOTE: Responding personnel should be appropriately equipped for the mission by their respective agency.

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**AVAILABLE RESOURCE SUMMARY
ALL AGENCIES**

PERSONNEL

	LEVEL 1	LEVEL 2
Officers / Deputies / DA Investigators	64	201
Sergeants (Field Supervisors)	14	32
Lieutenants / Captains (Field Managers)	4	12
Commanders / Deputy Chief Investigator	1	2

TRANSPORTATION

Patrol Units	39	92
Plain Units	32	59
Vans	3	8
4X4's	3	8
Trucks	2	10
Buses	1	2

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	5	13
Bomb Teams	1	1
SWAT Teams (Type II)	4	5
Tactical Negotiations Teams	1	2
Motorcycles (On Road)	11	26
Armored Vehicles	4	4
Command Post (full)	1	6
Command Post (mini)	0	2
Helicopters	1	1
DA Special Response Team	1	1

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PERSONNEL	<u>LEVEL 1</u>	<u>LEVEL 2</u>
DA Investigators	12	18
Senior Investigator	2	3
Commander	1	1

TRANSPORTATION

Patrol Units	N-A	N-A
Plain Units	15	22
Vans	N-A	N-A
4X4's	N-A	N-A
Trucks	N-A	N-A
Buses	N-A	N-A

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	N-A	N-A
Bomb Teams	N-A	N-A
SWAT Teams (Type II)	N-A	N-A
Tactical Negotiations Teams	N-A	N-A
Motorcycles (On Road)	N-A	N-A
Armored Vehicles	N-A	N-A
Command Post (full)	N-A	N-A
Command Post (mini)	N-A	N-A
Helicopters	N-A	N-A
Special Response Team*	6**	10**

* Serves search and arrest warrants, conducts surveillance and threat assessments and can respond to an incident up to but not including a SWAT response.

** # of Team Members

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PERSONNEL

	LEVEL 1	LEVEL 2
Officers	6	46
Sergeants	1	5
Commanders **	0	2

** Equivalent to Captain or Lieutenant

TRANSPORTATION

Patrol Units	6	19
Plain Units	0	0
Vans	0	0
4X4's	0	0
Trucks	0	0
Buses	0	0

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	1	2
Bomb Teams	0	0
SWAT Teams (Type II)	1	1
Tactical Negotiations Teams	0	0
Motorcycles (On Road)	3	6
Armored Vehicles	0	0
Command Post (full)	0	1
Command Post (mini)	0	0
Helicopters	0	0

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PORT HUENEME POLICE DEPARTMENT

PHONE NUMBER: 805-986-6530

PERSONNEL

	LEVEL 1	LEVEL 2
Officers	1	9
Sergeants	1	2
Lieutenants	0	1

TRANSPORTATION

Patrol Units	1	2
Plain Units	0	0
Vans	0	2
4X4's	1	1
Trucks	1	1
Buses	0	0

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	0	0
Bomb Teams	0	0
SWAT Teams (Type II)	0	0
Tactical Negotiations Teams	0	0
Motorcycles (On Road)	1	1
Armored Vehicles	0	0
Command Post (full)	0	0
Command Post (mini)	0	0
Helicopters	0	0

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SANTA PAULA POLICE DEPARTMENT
PHONE NUMBER: 805-525-4474

PERSONNEL

	LEVEL 1	LEVEL 2
Officers	3	10
Sergeants	1	2
Commander **	0	0

** Equivalent to Captain or Lieutenant

TRANSPORTATION

Patrol Units	2	6
Plain Units	0	2
Vans	0	1
4X4's	0	1
Trucks	0	1
Buses	0	0

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	1	3
Bomb Teams	0	0
SWAT Teams (Type II)	0	1
Tactical Negotiations Teams	0	0
Motorcycles (On Road)	0	1
Armored Vehicles	1	1
Command Post (full)	0	1
Command Post (mini)	0	0
Helicopters	0	0

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SIMI VALLEY POLICE DEPARTMENT
PHONE NUMBER: 805-583-6937

PERSONNEL

	LEVEL 1	LEVEL 2
Officers	5	24
Sergeants	1	2
Commanders **	0	1

** Equivalent to Captain or Lieutenant

TRANSPORTATION

Patrol Units	2	11
Plain Units	0	0
Vans	0	0
4X4's	0	0
Trucks	0	3
Buses	0	0

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	1	1
Bomb Teams	0	0
SWAT Teams (Type II)	1	1
Tactical Negotiations Teams	0	1
Motorcycles (On Road)	0	5
Armored Vehicles	1	1
Command Post (full)	0	1
Command Post (mini)	0	0
Helicopters	0	0

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PERSONNEL

	LEVEL 1	LEVEL 2
Officers	6	24
Sergeants	1	2
Commanders **	0	1

** Equivalent to Captain or Lieutenant

TRANSPORTATION

Patrol Units	3	8
Plain Units	0	0
Vans	0	1
4X4's	0	1
Trucks	0	1
Buses	0	0

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	1	3
Bomb Teams	0	0
SWAT Teams (Type II)	1	1
Tactical Negotiations Teams	0	0
Motorcycles (On Road)	0	3
Armored Vehicles	1	1
Command Post (full)	0	1
Command Post (mini)	0	1
Helicopters	0	0

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VENTURA COUNTY SHERIFF'S OFFICE

PHONE NUMBER: 805-662-6755

PERSONNEL

	LEVEL 1	LEVEL 2
Deputies / Senior Deputies	29	61
Sergeants	6	15
Captains	2	3
Commanders	1	1

TRANSPORTATION

Patrol Units	23	40
Plain Units	15	32
Vans	2	2
4X4's	2	4
Trucks	1	3
Buses	1	2

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	1	3
Bomb Teams	1	1
SWAT Teams (Type II)	1	1
Tactical Negotiations Teams	1	1
Motorcycles (On Road)	7	10
Armored Vehicles	1	1
Command Post (full)	1	1
Command Post (mini)	0	0
Helicopters	1	1

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CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS POLICE DEPARTMENT

PHONE NUMBER: 805-437-8447

PERSONNEL

	LEVEL 1	LEVEL 2
Officers	1	6
Sergeants	1	1
Lieutenants	0	1

TRANSPORTATION

Patrol Units	1	2
Plain Units	1	1
Vans	0	0
4X4's	0	1
Trucks	0	1
Buses	0	0

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	0	1
Bomb Teams	0	0
SWAT Teams (Type II)	0	0
Tactical Negotiations Teams	0	0
Motorcycles (On Road)	0	0
Armored Vehicles	0	0
Command Post (full)	0	1
Command Post (mini)	0	1
Helicopters	0	0

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VENTURA COUNTY COMMUNITY COLLEGE DISTRICT POLICE DEPARTMENT

PHONE NUMBER: 805-857-2616

PERSONNEL

	LEVEL 1	LEVEL 2
Officers	1	3
Sergeants		
Lieutenants	1	2

TRANSPORTATION

Patrol Units	1	3
Plain Units	1	2
Vans	0	0
4X4's	0	0
Trucks	0	0
Buses	0	0

SPECIALIZED UNITS AND EQUIPMENT

K-9 Teams	0	0
Bomb Teams	0	0
SWAT Teams (Type II)	0	0
Tactical Negotiations Teams	0	0
Motorcycles (On Road)	0	0
Armored Vehicles	0	0
Command Post (full)	0	0
Command Post (mini)	0	0
Helicopters	0	0

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Ventura County Law Enforcement MUTUAL AID MANUAL

SECTION 4

STATE RESOURCES OVERVIEW

Law Enforcement Mutual Aid Primer

October 4, 2011

By Robert Gerber, Deputy Chief, Cal OES

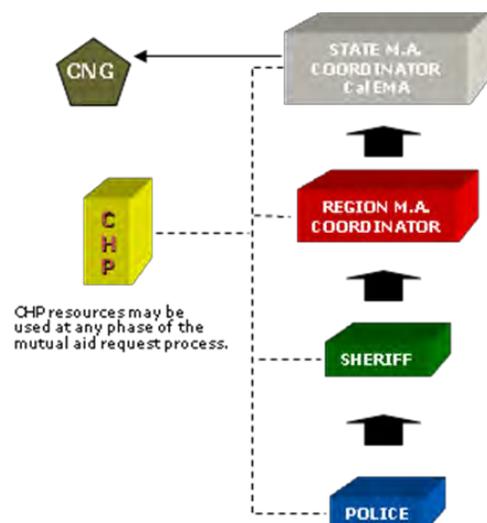


Recent and on-going events in California have demonstrated the need to ensure clarity and uniform understanding in the application of the Law Enforcement Mutual Aid System. The manhunt just recently concluded in Mendocino County provides a clear validation of the purpose and value of the Law Enforcement Mutual Aid System. Over a dozen federal, state, and local law enforcement agencies answered the request

for mutual aid and assisted the Mendocino County Sheriff's Office in a sustained effort to apprehend a known murder suspect who sought refuge in a heavily forested area near Fort Bragg. With the potential for more incidents requiring mutual aid it is important that law enforcement agencies become re-acquainted with the basic tenets of mutual aid. This bulletin is intended to provide a basic primer on law enforcement mutual aid and to offer additional sources of information and training pertaining to law enforcement mutual aid procedures and planning.

California's mutual aid system has been in place for over fifty years and has been the "backbone" of emergency response. The basic concept – neighbor helping neighbor – remains the cornerstone and ideal for what has assisted many an impacted and overwhelmed community. However, in order for the Law Enforcement Mutual Aid System to be effective it requires the participants to have a fundamental and sustained working knowledge of the proper organization, procedures, and protocols.

The state has been divided into 7 mutual aid regions to more effectively apply, administer, and coordinate mutual aid. Each mutual aid



region has selected a Sheriff to be the “Regional Law Enforcement Mutual Aid Coordinator.”

Channels For Requesting Mutual Aid

The mutual aid process is as follows:

Local – The Chief of Police determines the unusual event is beyond the department resources, requests mutual aid from Sheriff.

County (Operational Area) – If the event is beyond the resource capability of the Sheriff’s Office and other in-county law enforcement resources, the Sheriff requests mutual aid from the Regional Mutual Aid Coordinator.

Region – The Sheriff of the affected region, who has been designated as the Regional Mutual Aid Coordinator, will attempt to fill the mutual aid request from operational areas (counties) within the region.

State – If the law enforcement resources within the impacted region are not sufficient, the Regional Coordinator requests additional mutual aid assistance from the State Law Enforcement Mutual Aid Coordinator other mutual aid regions may be called upon to assist.



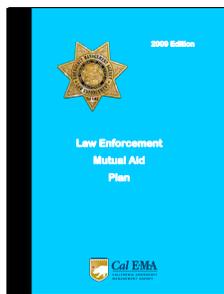
When requesting or providing mutual aid it is important to consider the following:

- ★ A State declaration of emergency is not necessary in order for the mutual aid system to be activated.
- ★ No jurisdiction is required to unnecessarily deplete its own personnel, equipment, or capabilities in order to provide mutual aid.
- ★ An agency receiving mutual aid is responsible for the care, feeding, and shelter of responding mutual aid personnel.
- ★ Agencies participating in mutual aid must be prepared for extraordinary response environments, e.g., wildland fires, civil disturbance, extreme weather, and be outfitted with appropriate safety clothing and equipment.
- ★ Mutual aid reimbursement costs *may* be applicable under state and federal disaster declarations. Otherwise, all mutual aid costs are the responsibility of individual agencies participating.
- ★ Planned and scheduled community events do not meet the criteria for mutual aid and therefore, should include costs for additional public safety if required. However, mutual aid may be necessary in extraordinary situations.
- ★ Cal OES may assign mission numbers to mutual aid events in order to track and coordinate resources and for potential liability or financial purposes.

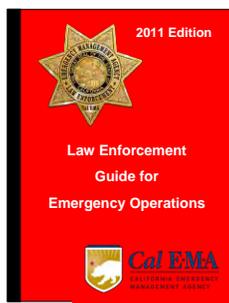
- ★ Out-of-state mutual aid is coordinated through Cal OES and the national Emergency Management Assistance Compact (EMAC) unless otherwise specified in interstate agreements and MOUs.
- ★ Use of State Military Department (National Guard) resources for law enforcement mutual aid requires an order by the Governor. National Guard resources are to be used *only* when local and state law enforcement resources are committed to maximum.

The Cal OES Law Enforcement Division produces several manuals designed to assist law enforcement agencies in correctly applying law enforcement mutual aid. Provided below are reference documents that you can view and download from the Cal OES internet home page located at:

<http://www.calema.ca.gov/LawEnforcement/Pages/Mutual-Aid.aspx>



The official State **Law Enforcement Mutual Aid Plan** delineates the current state policy concerning law enforcement mutual aid. Additionally, it describes the standard procedures to acquire law enforcement mutual aid resources and the method to ensure coordination of law enforcement mutual aid planning and readiness at the local,



The **Law Enforcement Guide for Emergency Operations**, a companion to the Mutual Aid Plan, serves as model for law enforcement emergency management planning, training, and response operations. The guide is designed to be a practical field-oriented reference tool in assisting law enforcement personnel with implementation of the field level Incident Command System for use during major multi-jurisdictional and multi-agency incidents such as civil disorder, technological disaster, natural disaster, or planned event.



The **Law Enforcement Mutual Aid Quick Reference Guide** has been developed to provide a concise two-page overview of the mutual aid system. It is ideal for designated department mutual aid coordinators and watch commanders. This guide may also be downloaded from the Cal OES internet web site.



The Cal OES Law Enforcement Division peace officers are available 24 hours/day to assist your department with law enforcement mutual aid planning and coordination. Please contact our headquarters' office for more information and the person assigned to your mutual aid region.

Law Enforcement Division
3650 Schriever Ave.
Mather, CA 95655
(916) 845-8700
24-hr (916) 845-8911

**Ventura County Law Enforcement
MUTUAL AID MANUAL**

APPENDIX A

**COUNTY OF VENTURA
OPERATIONAL AREA LAW ENFORCEMENT AGENCIES
AGREEMENT PURSUANT TO SECTION 830.1(a) (2) OF THE
CALIFORNIA PENAL CODE
And
MUTUAL AID OPERATIONAL AGREEMENT**

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***Ventura County Law Enforcement
MUTUAL AID MANUAL***

APPENDIX A

**COUNTY OF VENTURA
OPERATIONAL AREA LAW ENFORCEMENT AGENCIES
AGREEMENT PURSUANT TO SECTION 830.1(a) (2) OF THE
CALIFORNIA PENAL CODE
And
MUTUAL AID OPERATIONAL AGREEMENT**

THIS AGREEMENT is made and entered into by and between the Sheriff of the County of Ventura (“Sheriff”) and the agencies which now or hereafter become signatories hereto (the Sheriff and such agencies being referred to herein individually as “signatory party” and collectively as “signatory parties”):

WITNESSETH:

WHEREAS, Section 830.1(a)(2) of the California Penal Code provides that the authority of any peace officer, as defined therein, extends to any place in the state where the peace officer has the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by him or her to give consent, if the place is within a city, or of the sheriff, or person authorized by him or her to give consent, if the place is within a county; and

WHEREAS, the signatory parties desire to coordinate public safety service efforts and encourage maximum cooperation between all law enforcement and prosecutorial agencies; and

WHEREAS, the signatory parties have public safety responsibilities within Ventura County (“County”), and therefore have mutual interests and objectives to

accomplish for the preservation and protection of life and property within the County; and

WHEREAS, it is the intention of the signatory parties that peace officers be given the maximum powers consistent with California law; and

WHEREAS, mutual aid assistance among County law enforcement agencies is necessary and inures to the benefit of said agencies, their officers and deputies, and the public; and

WHEREAS, it is also necessary and desirable that the resources, personnel, equipment and facilities of any one signatory party be made available to any other signatory party to prevent, combat, or eliminate a probable or imminent threat to life or property resulting from local peril, local emergency, local disaster, or civil disturbance, or a duly proclaimed "state of emergency," "state of disaster" or "state of war emergency" and to render mutual and supplementary public safety services one to the other as the need may arise; and

WHEREAS, extensive loss of life and property may be mitigated by the immediate and adequate response of the forces of local government to what are or may be disturbances and disasters; and

WHEREAS, the signatory parties have public safety responsibilities within the County and, therefore, have mutual interests and objectives to accomplish with reference to the preservation and protection of life and property within said County; and

WHEREAS, the signatory parties have powers to provide for common defense, and the power to act in case of emergency or disaster are powers common to the signatory parties; and

WHEREAS, in the event of a major disaster, either natural or man-made, or

civil disorder, it may be impossible for peace officers to report to their respective agencies or areas of normal assignment; and

WHEREAS, the provisions of the Sections 8615, 8617 and 8668 of the Government Code of the State of California, California Disaster and Civil Defense Master Mutual Aid Agreement, The California Law Enforcement Mutual Aid Plan, and other laws of the State of California, empower each of the signatory parties to so agree; and

WHEREAS, the California Law Enforcement Mutual Aid Plan is issued and revised under the authority of Sections 8550, 8569, 8615 through 8619, and 8668 of the California Government Code, the California Emergency Plan, and the Master Mutual Aid Agreement; and

WHEREAS, the California Law Enforcement Mutual Aid Plan delineates the current State policy concerning law enforcement mutual aid; and

WHEREAS, the California Law Enforcement Mutual Aid Plan describes the standard procedures used to acquire law enforcement mutual aid resources and the method to ensure coordination of law enforcement mutual aid planning and readiness; and

WHEREAS, the Sheriff is the Operational Area Law Enforcement Mutual Aid Coordinator within the County; and

WHEREAS, the California Law Enforcement Mutual Aid Plan provides, in pertinent part, "When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within an Operational Area, it is the responsibility of the Operational Area Mutual Aid Coordinator to provide assistance and coordination to control the problem"; and

WHEREAS, the California Law Enforcement Mutual Aid Plan provides, in

pertinent part, "A request for law enforcement mutual aid requires the approval of the chief law enforcement officer of the requesting jurisdiction"; and

WHEREAS, in the event of a duly proclaimed emergency, the signatory parties agree to document all mutual aid assistance costs related to a mutual-aid request and submit all records and supporting documentation to the Sheriff as soon as practicable; and

WHEREAS, it is expressly understood that this agreement and the operation orders adopted pursuant thereto shall not supplant existing agreements between any and/or all signatory parties providing for the exchange or furnishing of certain types of facilities and services on a reimbursable exchange or other basis, nor supplant other mandatory agreements required by law.

NOW, THEREFORE, IT IS HEREBY AGREED by and between each and all of the signatory parties, as follows;

1. Any peace officer, as defined by California Penal Code Section 830.1, employed by any of the signatory parties, has the full authority of a peace officer at all times, including during times of emergency, within the political subdivision for which each of the signatory parties can give consent.

2. When a peace officer of a signatory party enters into the jurisdiction of another signatory party to engage in law enforcement activity, the peace officer will notify, whenever practicable, the department whose jurisdiction the peace officer is entering of his or her activities in said jurisdiction; but the practicability of such prior notification shall be solely at the discretion of the peace officer.

3. During emergency situations, a peace officer of a signatory party who is unable to report to a facility of his or her agency due to blocked roads will report to the nearest law enforcement facility within the County of another signatory party

for service. Each signatory party will keep track of the hours worked by any peace officer from another signatory party, and that peace officer's agency will treat those hours worked as if they had been worked at the officer's agency. When roads open, any such peace officer will be released immediately to respond to his or her agency. In the case of injury, death or disability of a peace officer while engaged in service for another signatory party under the circumstances described in this paragraph, the peace officer's employing agency will be responsible pursuant to California Government Code Section 50921. In the case of a claim by a third party for personal injury, death or property damage arising from the acts or omissions of a peace officer while engaged in service for another signatory party under the circumstances described in this paragraph, if the acts or omissions were within the scope of said service, the signatory party whom the peace officer was serving will defend and indemnify the peace officer's employing agency, and the peace officer pursuant to California Government Code Sections 825 et seq.

4. The signatory parties may furnish supplementary public safety services to public agencies which are not signatories to this agreement in the event of local peril, local emergency, local disaster, civil disturbance and such other occasions as may arise.

5. The mutual aid extended under this agreement and the operation orders adopted pursuant to this agreement shall be without reimbursement unless otherwise expressly provided for in writing by the signatory parties or as provided by law.

6. The responsible local official in whose jurisdiction an incident requiring mutual aid has occurred, unless otherwise provided, shall remain in charge at such incident including the direction of such personnel and equipment provided him

through the operation of such mutual aid.

7. Nothing contained in this agreement shall require or relieve any signatory party from the necessity and obligation of furnishing adequate protection to life and property within the party's own jurisdiction and no party shall be required to deplete unreasonably its own resources, facilities, and services in furnishing mutual aid.

8. Any services performed or expenditures made in connection with the furnishing of assistance shall conclusively be presumed to be for the direct protection and benefit of the inhabitants and property of the signatory party requesting the assistance.

9. This agreement shall not be construed as, or deemed to be, an agreement for the benefit of any third party or parties and no third party or parties shall have a right of action hereunder for any cause whatsoever.

10. The declination of one or more of the signatory parties to participate in this agreement or any amendment, revision, or modification thereof, shall not affect the operation of this agreement nor operation orders adopted pursuant thereto insofar as the validity of the agreement pertains to the signatory parties.

11. This agreement shall become effective as to each party when approved or executed, and shall remain operative and effective as between each and every party that has heretofore or hereafter approved or executed this agreement until participation in this agreement is terminated by the party. The termination by one or more of the parties of its participation in this agreement shall not affect the operation of this agreement as between the other parties thereto. This agreement shall be binding on successors of each of the signatory parties.

12. Termination of participation in this agreement may be effected by any

party by giving written notice of said termination of participation in this agreement to all signatory parties, and this agreement shall be terminated as to such party thirty (30) days after the giving of such notice.

13. The signatory parties agree the Sheriff shall, in the case of a declared emergency, facilitate reimbursement of all reasonable costs associated with a signatory party's law enforcement mutual aid assistance as provided by law.

IN WITNESS WHEREOF the parties hereto have executed this agreement

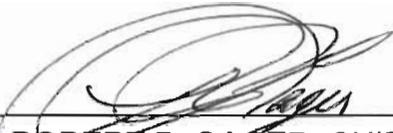
on the dates set forth below.

8/20/14
DATE



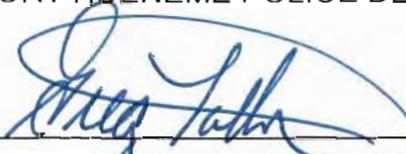
STEVEN M. MCLEAN, CHIEF
SANTA PAULA POLICE DEPARTMENT

8/20/14
DATE



ROBERT P. GAGER, CHIEF
PORT HUENEME POLICE DEPARTMENT

8/20/14
DATE



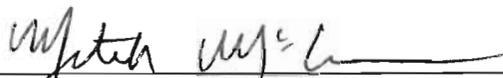
GREGORY D. TOTTON, DISTRICT ATTORNEY
COUNTY OF VENTURA

8/20/14
DATE



GEOFF DEAN, SHERIFF
OF VENTURA COUNTY AND EX-OFFICIO CHIEF OF
POLICE, CITIES OF CAMARILLO, FILLMORE,
MOORPARK, OJAI AND THOUSAND OAKS

8/27/14
DATE



MITCH MCCANN, CHIEF
SIMI VALLEY POLICE DEPARTMENT

8-20-14
DATE



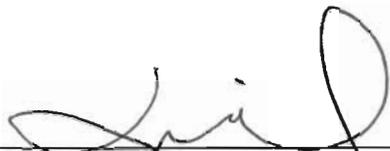
JERI WILLIAMS, CHIEF
OXNARD POLICE DEPARTMENT

8/20/14
DATE



KEN CORNEY, CHIEF
VENTURA POLICE DEPARTMENT

8/2/14
DATE



JOHN M. REID, CHIEF
CALIFORNIA STATE UNIVERSITY
CHANNEL ISLANDS POLICE DEPARTMENT

8/26/14
DATE



JOEL JUSTICE, CHIEF
VENTURA COUNTY COMMUNITY COLLEGE
DISTRICT POLICE DEPARTMENT

**Ventura County Law Enforcement
MUTUAL AID MANUAL**

APPENDIX B

**Law Enforcement Mutual Aid
QUICK REFERENCE GUIDE**

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Law Enforcement Mutual Aid Quick Reference Guide



Mutual Aid Defined

Mutual aid is the voluntary sharing of personnel and resources when an agency can not deploy, sufficiently, its own resources to respond to an unusual occurrence. Resources are then requested by the affected agency through a recognized system established by the Master Mutual Aid Agreement and Emergency Services Act. This cooperative system may be executed on a local, countywide, regional, statewide, and interstate basis. The state has been divided into seven mutual aid regions to more effectively apply, administer and coordinate mutual aid. Mutual aid can become mandatory at the option of the Governor. Generally, there is no reimbursement for providing mutual aid.

Authorities

The California Law Enforcement Mutual Aid System and Plan derives its authority from the CA Emergency Services Act (Govt.Code §8550, §8569, §8615-8619, §8632, §8668) and the Master Mutual Aid Agreement.

Mutual Aid Process

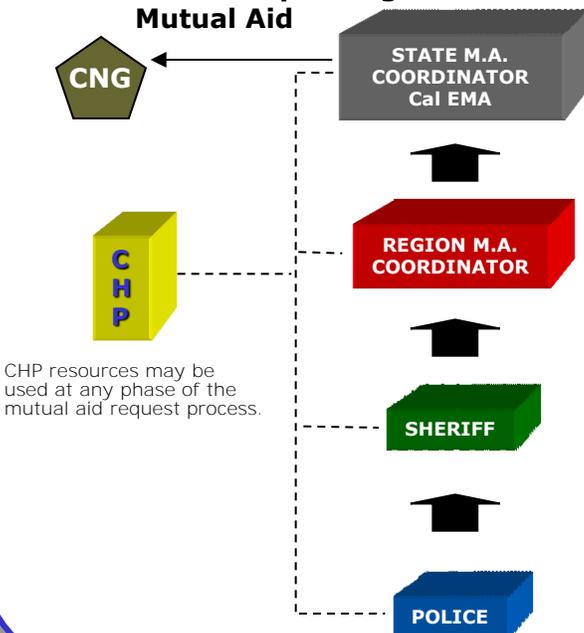
Local – Chief of Police determines unusual event is beyond department resources, requests mutual aid assistance from Sheriff.

County(Operational Area) – If event is beyond the resource capability of Sheriff's Office and other in-county law enforcement resources, the Sheriff requests mutual aid from Regional Mutual Aid Coordinator.

Region – A Sheriff in the region, who is designated as the "Regional Mutual Aid Coordinator" fulfills mutual aid request from other Operational Areas and their respective law enforcement resources.

State – If the law enforcement resources within the impacted region are not sufficient, the M.A. Regional Coordinator requests additional mutual aid assistance from the State Mutual Aid Coordinator. Other mutual aid regions may be called upon to assist.

Channels For Requesting Mutual Aid



Law Enforcement Mutual Aid Regions



Mutual Aid Considerations

- ✗ State declaration of emergency not necessary to request and provide mutual aid.
- ✗ Use of National Guard resources for law enforcement mutual aid requires an order by the Governor. National Guard resources are to be used **only** when local and state law enforcement resources are committed to maximum.
- ✗ No jurisdiction is required to unnecessarily deplete their own personnel, equipment, and capabilities in order to provide mutual aid. It is generally accepted that a reasonable response will consist of up to 50% of available on-duty uniformed officers.
- ✗ Agency Receiving mutual aid is responsible for the care, feeding, and shelter of responding mutual aid resources.
- ✗ Planned and scheduled community events do not meet the criteria for mutual aid and therefore, should include costs for additional public safety if required. However, mutual aid may be necessary in extraordinary situations.
- ✗ Mutual aid reimbursement costs **may** be applicable under state and federal disaster declarations. Otherwise, all mutual aid costs are the responsibility of individual agencies participating.
- ✗ Cal EMA may assign mission numbers to mutual aid events in order to track and coordinate resources and for Potential liability or financial purposes.
- ✗ Out-of state mutual aid is coordinated through Cal EMA and the Emergency Management Assistance Compact (EMAC) unless as already specified in interstate agreements and MOUs.
- ✗ Other state law enforcement agencies can be tasked to assist in providing mutual aid.

Law Enforcement Mutual Aid Regional Coordinators

Sheriff Tom Bosenko
Region III - Shasta County

Sheriff Scott Jones
Region IV - Sacramento County

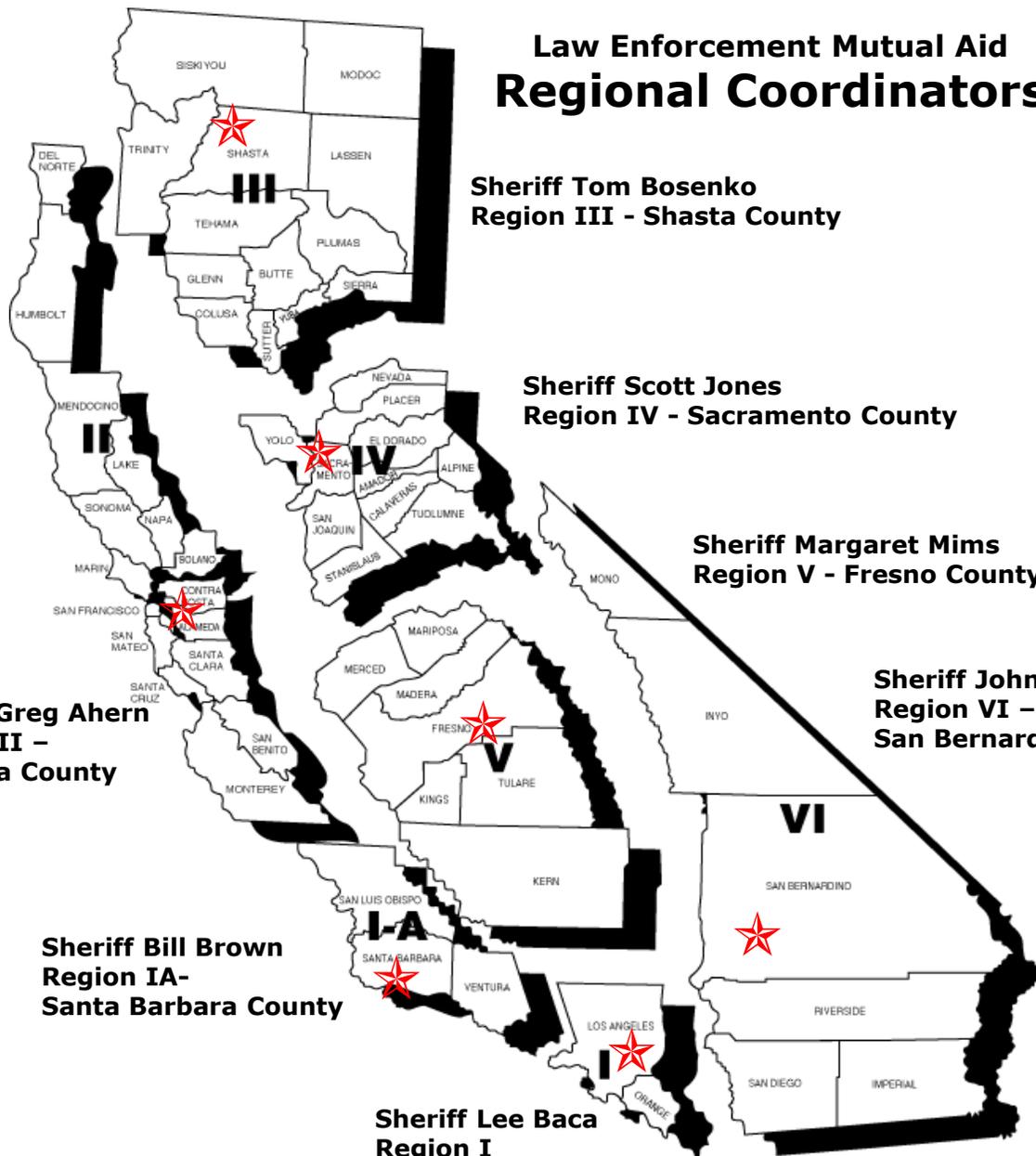
Sheriff Margaret Mims
Region V - Fresno County

Sheriff John McMahon
Region VI - San Bernardino County

Sheriff Greg Ahern
Region II - Alameda County

Sheriff Bill Brown
Region IA - Santa Barbara County

Sheriff Lee Baca
Region I - Los Angeles County



Key Contacts



Cal EMA State Warning Center (916) 845-8911
Cal EMA Law Enforcement Division (916) 845-8700



STTAC State Terrorism Threat Assessment Center (888) 834-8200



FBI Sacramento Division (916) 481-9110
San Francisco Division (415) 553-7400
Los Angeles Division (310) 477-6565
San Diego Division (858) 565-1255



CNG Joint Operations Center (JOC) (916) 854-3440

Cal EMA Law Enforcement Division

Cal EMA Law Enforcement Division staff are available 24 hours/day to assist your department with law enforcement mutual aid planning and coordination.

California Emergency Management Agency
Law Enforcement Division

3650 Schriever Ave.
Mather, CA 95655
(916) 845-8700
24-hr (916) 845-8911



**Ventura County Law Enforcement
MUTUAL AID MANUAL**

APPENDIX C

Allied & Mutual Support Agency Resources

NOTE: This section contains a listing of other Federal, State and local agencies. Inclusion in this Annex is for information only and is not meant supersede or replace any agreements that are otherwise in place nor is it meant to circumvent established procedures for requesting mutual aid through the Operational Area Coordinator or Region Coordinator as described in this Mutual Aid Manual.

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AMTRAK Police Department

GENERAL INFORMATION

The Amtrak Police Department is a nationally accredited police force dedicated to working within the company and with other police agencies to ensure the safety and security of Amtrak, its passengers and employees. Authorized by congress in September 1974, the Amtrak Police Department employs approx. 376 sworn peace officers and 73 civilians (total 449) in 31 field locations across the country.

Our policing responsibility on the West Coast extends from San Diego, CA North to Seattle, WA; Los Angeles to Albuquerque, NM and Los Angeles to Arizona and Texas. There are currently (4) Patrol Officers and (4) K-9 Officers, as well as a specialized unit which consists of (5) Special Agents and (1) Captain to cover this area. Although the trains cover a lot of territory throughout the United States and locally through Ventura County, the officers' primary patrol responsibility is Los Angeles Union Station and the Santa Fe Depot in San Diego.

Officers do ride the trains periodically when time allows and certain times during the year they have Operation Rail Safe. Operation Rail Safe is when Law Enforcement Agencies across the United States are invited to visit our stations for a couple of hours just to show police visibility. High-visibility patrols typically conducted during morning and evening commutes are the key to Operation RAIL SAFE. Amtrak Police, TSA personnel and other law enforcement officers from federal, state, tribal, local, rail and transit police agencies across the United States and Canada deploy at passenger rail and transit stations, and along the right-of-way to exercise counterterrorism and incident response capabilities.

ENFORCEMENT RESPONSIBILITIES:

Incidents occurring on AMTRAK trains outside of Los Angeles are generally handled by the local jurisdictions, unless the incident is of a serious nature, in which case, they will send one of their Detectives.

AGENCY CONTACT INFORMATION:

AMTRAK Police Department
810 North Alameda Street
Los Angeles, CA 90012
(213) 683-6824 (office)
(213) 683-6980 (Fax)

National Communications Center (**POLICE DISPATCH**): **1-800-331-0008**

Channel Islands Police Department California State University – Channel Islands

GENERAL INFORMATION

California State University Channel Islands, located in Camarillo and is a student-centered, four-year, public university known for its interdisciplinary, multicultural, and international perspectives and its emphasis on experiential and service learning.

Channel Islands' strong academic programs focus on liberal studies, sciences, business, teaching credentials and innovative master's degrees such as the M.S. in Bioinformatics. Students benefit from individual attention, up-to-date technology, and classroom instruction augmented by stellar faculty research. The University promotes partnerships with the community and works to build pathways to college for Ventura County residents. Channel Islands is a responsible citizen of the region and actively pursues sustainable and energy efficient practices.

ENFORCEMENT RESPONSIBILITIES AND RESOURCES:

The Channel Islands Police Department (CIPD) is operational 24 hours a day, seven days a week, year round and operates a 24/7 Public Safety Access Point (PSAP). The department has a staff of 14 sworn police officers (including 2 K-9 teams), 14 full-time support employees, and 15 student assistants. These police officers, with full arrest powers, are certified by the California Commission on Peace Officer Standards and Training (POST) and undergo continued training to maintain and upgrade their skills. All sworn employees have been trained in First Aid and CPR, and are certified as an Emergency Medical Technicians (EMT-I). They are authorized to enforce all laws and regulations on the University campus plus an immediate one-mile radius beyond the outer borders of the campus. CI police officers are armed and have police powers that extend statewide. They conduct foot, vehicular and bicycle patrols on campus and the University Glen Community 24-hours a day.

CI Police Officers also work very closely with Camarillo Police Department, the Ventura County Sheriff's Office and other law enforcement agencies to assist with incidents involving campus community members that occur off-campus. In accordance with the Kristin Smart Campus Security Act of 1998, the CI Police Department has a written agreement with the Ventura County Sheriff's Office that designates which agency will have operational responsibility for the investigation of each Part 1 violent crime that occurs on campus.

AGENCY CONTACT INFORMATION:

CIPD Dispatch Center (24/7)
One University Drive (Placer Hall)
Camarillo, CA 93012
(805) 437-8444

Chief John Reid
Channel Islands Police Department
One University Drive
Camarillo, CA 93012-8599
(805) 437-8444
John.Reid@csuci.edu

Lt. Michael Morris
Channel Islands Police Department
One University Drive
Camarillo, CA 93012-8599
(805) 437-8444
Michael.Morris@csuci.edu

County of Ventura - Code Compliance Division

Building and Land Use Enforcement / Weights & Measures

GENERAL INFORMATION

The mission of **Building and Land Use Enforcement** is to protect the health, safety, and welfare of the general public in the unincorporated areas of Ventura County by enforcement of the Ventura County Building Code, California Building Standards Code, the Non-Coastal and Coastal Zoning Ordinances and State-mandated regulations.

Weights and Measures protects the interests of the buyers and sellers by ensuring honesty and integrity in everyday business transactions in Ventura County. This is accomplished by enforcement of State and Federal laws throughout the unincorporated County and its ten cities.

ENFORCEMENT RESPONSIBILITIES:

Building and Land Use Enforcement responds to complaints from concerned citizens in our community that are specifically related to:

- Illegal Dwellings
- Trimming/Removal of Protected Trees
- Open Storage
- Unpermitted Buildings or Construction
- Fences and Walls
- Illegal Businesses
- Keeping Excessive Numbers of Pet or Farm Animals
- Illegal Signs
- Substandard Housing

Weights and Measures respond to complaints from concerned citizens in our community that are specifically related to:

- Quantity Control
- Device Inspection
- Weighmaster
- Consumer Services
- Petroleum

AGENCY CONTACT INFORMATION:

Building & Land Use Enforcement General Line: (805) 654-2463
Angela Godwin, Sealer: (805) 654-2428

Weights & Measures General Line: (805) 654-2444
Jim Delperdang, Director: (805) 654-2446

County of Ventura - Harbor Department Channel Islands Harbor Patrol

The Ventura County Harbor Department exists for the purpose of serving the health, safety, and recreational needs of the public utilizing harbor and beach areas and facilities within its areas of responsibility. The mission of the Harbor Department is to insure the safety of people and property within its Areas of Responsibility. To this end, response priorities are as follows:

- **Rescue and Emergency Services**
 - Aquatic aid
 - Persons in the water
 - Vessels in distress
 - Hazards to navigation
 - Resuscitation or major medical aid
 - Fire Suppression - First-In Suppression
 - Attempt to extinguish or contain pending Fire Department response.
 - Expand to any dock or waterfront area where feasible.
- **Boating Safety and Education**
- **Law Enforcement**

Philosophy: The recreational boating public is comprised of citizens seeking release and relaxation from their daily working lives. Often these people violate aquatic rules due to lack of knowledge. This Department strives to fill this need for education with enforcement being a last resort. Our goal is compliance through education.

The Patrol is on duty 24 hours a day, 365 days a year. Staffing consists of Harbor Patrol Officers, a Harbor Sergeant, a Harbor Captain and Harbor Master. All personnel are United States Coast Guard Licensed Captains and Certified Emergency Medical Technicians. Officers are first-in emergency responders for medical, fire and other marine related emergencies within Channel Islands Harbor and the surrounding coastline.

The Patrol operates a 32' Sea Ark Fireboat, three 22' Boston Whaler Rescue vessels, two 21' Boston Whaler Rescue vessels and a 23' rigid hull inflatable rescue vessel. The rescue vessels are capable of 50 mph and the Fireboat can top 42 mph.

Channel Islands Harbor Patrol
3900 Pelican Way
Oxnard, CA 93035
Office: (805)382-3007 Fax: (805)382-3015
Emergency line (805)382-3000

County of Ventura – Parks Department General Services Agency

GENERAL INFORMATION

Ventura County Parks conducts the planning, development, maintenance and operations of parks, golf courses, and trails. Park Rangers greet visitors, provide assistance and information, and issue permits. They conduct foot and vehicle patrol enforcing park regulations alert for safety hazards, fire, theft, vandalism, or other emergency or illegal activities.

Park Rangers are sworn public officers under Penal Code 836.5. They are governed by two ordinances; VCO #4397 covers the Rincon Parkway, Faria and Hobson Beach Parks. VCO# 4398 covers inland parks. County park properties are subject to all federal, state, and county codes. Hours of operation are generally 0600 – 1530 with extended daylight hours during the summer season. Park Rangers do not respond after hours and calls are referred to the Ventura County Sheriff's Office.

COUNTY PARK PROPERTIES - LOCAL PARKS:

Casitas Springs Community Center, Oak View Community Center, Piru Community Center and Warring Park, Roger Jones El Rio Community Center, Saticoy Community Center and Park.

REGIONAL PARKS:

Camp Comfort, Faria Beach, Foster, Hobson Beach, Kenney Grove, Oak, Rincon Parkway, Santa Rosa Valley, Soule, Steckel, Tapo Canyon, Toland.

TRAILS:

Ojai Valley Trail, Sulphur Mountain Trail.

GOLF COURSES:

Rustic Canyon, Saticoy Regional, Soule Park Golf.

RESOURCES AVAILABLE:

Park Rangers and park maintenance staff are available as Disaster Service Workers.

DEPARTMENT CONTACT INFORMATION:

Pam Gallo, Park Operations Supervisor (Requests for Park Rangers)
(805) 654-3934 / (805) 701 -7103 (Cell) / (805) 256-5606

Ron Van Dyck, Deputy Director
11201–A1 Riverbank Drive
Ventura, CA 93004
(805) 654-3945 / (805) 659-6992 (Fax)
(805) 509-7614 (Cell)

Theresa Lubin, Program Administrator
(805) 654-3968 / (805) 625-1364 (Cell)

Jim Martinez, Maintenance Supervisor
(805) 377-8436 (Cell)

**Metrolink Commuter Rail System
Southern California Regional Rail Authority
Los Angeles County Sheriff's Department - Transit Services Bureau**

GENERAL INFORMATION

The Los Angeles County Sheriff's Department's Transit Services Bureau provides exclusive contract police services to the Metropolitan Transportation Authority (MTA) that operates the public transit system serving Los Angeles County, one of the country's largest, most populous counties. Deputies provide police services for both the light rail and bus transportation systems throughout 1,433 square miles.

Transit policing presents unique challenges and requires unique policing strategies. With more than 2,300 vehicles in the fleet, there are 185 bus routes with 18,500 bus stops. MTA buses have an annual boarding in excess of 377 million riders. The Metro Rail system consists of the Blue, Green, Red and Gold Line light rail commuter trains with a total of 73 miles of rail. With 250 commuter rail cars and 65 stations, the Metro Rail has 69 million riders annually.

The Sheriff's Department also serves as the contract transit police agency for the Southern California Regional Rail Authority. Known as **Metrolink**, this heavy rail commuter transportation system serves six Southern California counties.

The Metrolink policing responsibility extends west to the City of Oxnard (Ventura County), east to the cities of San Bernardino (San Bernardino County) and Riverside (Riverside County), north to the City of Lancaster (Los Angeles County), and south to the cities of San Clemente (Orange County) and Oceanside (San Diego County). The Transit Services Bureau is the second largest transit policing agency in the nation.

ENFORCEMENT RESPONSIBILITIES:

NOTE: The Ventura County Sheriff's Office and the Los Angeles County Sheriff's Department have a signed Memorandum of Understanding with regard to the below outlined enforcement responsibilities.

The Los Angeles County Sheriff's Department Transit Services Bureau has law enforcement responsibility for:

- All crimes and incidents occurring or originating on board the Metrolink trains
- All thefts of rail property from Metrolink trains
- All reports of vandalism to the Metrolink trains

And will provide when requested:

- Statistical data relative to Metrolink passenger stations, parking lots and facilities in the local jurisdiction, including statistical analyses, trends and other law enforcement enhancing information.

Members of the Los Angeles County Sheriff's Department and the Southern California Regional Rail Authority may also:

- Respond to assist the local jurisdiction whenever an accident or incident directly or indirectly involves the Metrolink Commuter Rail System, or may impact public safety and/or the safe continued operations of train service.

AGENCY CONTACT INFORMATION:

Administration: (213) 452-0200
Control Center: (909) 593-0661 (**Non-public**)
Emergency: (888) 446-9721 (**Non-public**)

Ventura Port District – Ventura Harbor California Special District

GENERAL INFORMATION

The District operates a commercial and recreational boat harbor within the City of Ventura that is organized as an Independent Special District under California State law. The District is the owner/operator of the harbor, consisting of 122 acres of water area and 152 acres of land, and derives the bulk of its revenue from leases of marinas, buildings and facilities at the harbor. The District is governed by a Board of Port Commissioners who are appointed by the Mayor and City Council. The Board selects and appoints the General Manager who is responsible for the day-to-day operations of the District. The Harbormaster reports to the general manager and is responsible for the Harbor Patrol and life safety services within the Harbor. The Harbor Patrol is comprised of 8 full-time officers who have limited Peace Officer Powers under 830.33(b) of the California Penal Code. The Harbor is staffed by a minimum of 2 Harbor Patrol Officers year round from 0600 – 0200 hrs. Personnel are on-call and available afterhours by contacting the Ventura Police Department Dispatch Center.

ENFORCEMENT RESPONSIBILITIES:

Harbor Patrol Officers have the primary responsibility for public safety and enforcing all laws and regulations related to the operation of small craft within the Harbor as well as sanitation of the Harbor and related facilities. Harbor Patrol Officers also perform a number of specialized functions such as:

- 911 medical responses on the land and water within the Harbor
- Maritime search and rescue
- Marine firefighting
- Rescue swimming
- Vessel de-watering
- Vessel tows
- Resource protection
- Wildlife rescue

RESOURCES AVAILABLE:

The Harbor and the Port District facilities may be utilized for an Emergency Operations Center (EOC), Incident Command Post (ICP) or marine disaster staging location. The District's office is a modern facility on the waterfront which can support a wide variety of functions and has generator back up power. The District also owns numerous docks and can accommodate vessels up to 124' in length. Harbor Patrol Officers utilize a variety of specialized pieces of equipment including:

- 31' Law Enforcement/Fire/SAR vessel (no trailer)
- 28' Law Enforcement/SAR vessel (no trailer)
- 28' Law Enforcement/SAR vessel (no trailer)
- 2 personal watercraft w/sleds (can be trailered)
- 2 4X4 Law Enforcement/SAR vehicles
- 18' California Oil Spill Response Trailer (containment and absorption equipment)

AGENCY CONTACT INFORMATION:

Harbormaster: Scott Miller 805-794-1048
1603 Anchors Way Drive
Ventura, CA 93001
Office: (805) 642-8618 Fax: (805) 658-2249
On call after hours (Ventura PD Dispatch): (805) 399-4399

California Department of Fish and Wildlife Law Enforcement Division

GENERAL INFORMATION

The Department of Fish and Wildlife maintains native fish, wildlife, plant species and natural communities for their intrinsic and ecological value and their benefits to people. This includes habitat protection and maintenance in a sufficient amount and quality to ensure the survival of all species and natural communities. The department is also responsible for the diversified use of fish and wildlife including recreational, commercial, scientific and educational uses.

ENFORCEMENT RESPONSIBILITIES:

Wardens enforce all Fish and Wildlife laws related to public safety, hunting, recreational and commercial fishing, trapping, pollution, habitat destruction, falconry, and exotic animal laws.

RESOURCES AVAILABLE:

California wardens patrol at all hours to protect the resources and waters of the state. This includes the Channel Islands and waters out to 200 miles. They patrol on foot, on horseback, by plane, boats, all-terrain vehicles and motorcycles. DFG has a special operations unit, canine officers and dive team.

AGENCY CONTACT INFORMATION:

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FISH & WILDLIFE
<https://www.wildlife.ca.gov/>

Southern District Offices (*Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Diego, and Ventura counties*)

San Diego Regional Office
8383 Ruffin Road
San Diego, CA 92123
(858) 467-4201
(858) 467-4299 fax

Law Enforcement Division

Los Alamitos Field Office
4665 Lampson Ave., Suite C
Los Alamitos, CA 90720
(562) 342-7100
(562) 596-0342 fax

Ontario Field Office
3602 Inland Empire Boulevard, Suite B-130
Ontario CA 91764
909-484-0167;
909- 481-2945 fax

(24 Hr State Hotline) - 888-334-2258

Law Enforcement Division, Southern Enforcement District
Assistant Chief Mike Stefanak (Santa Barbara to US/Mexico border)
(Acting) Patrol Captain Rod Buckler (Santa Barbara, Ventura, NW Los Angeles Counties) (949) 279-5750
Patrol Lieutenant Cindy Wood (Ventura County)
Contact CDFW Supervisors via CDFW Disp Southern Communication Center—SURCOM @ (951) 443-2969
CDFW Law Enforcement Only (951) 443-2944

**US Department of Commerce
National Oceanic and Atmospheric Administration
NOAA Fisheries (National Marine Fisheries Service) - Office of Law
Enforcement**

GENERAL INFORMATION

Enforces all federal fisheries to 200 miles offshore (the US Exclusive Economic Zone), have jurisdiction on US flagged fishing vessels worldwide, can enforce treaties that the US is a party to on the high seas and is a sister agency to US Fish and Wildlife Service with jurisdiction over many of the same laws. They focus on things **in the ocean** and on land with a few exceptions as mandated by congress when laws were enacted. They also manage salmon which includes Steelhead Trout which are protected under the Endangered Species Act in Ventura County so are jurisdiction also goes inland along applicable creek and rivers and activities that impact to resources.

ENFORCEMENT RESPONSIBILITIES:

- Federal Fisheries (primarily Commercial vessels, fish buyers at/near Ventura, Channel Islands and Port Hueneme Harbors – groundfish, sharks, tuna)
- Lacey Act (interstate/international commerce violations, includes violation of other states/countries laws then bring to US/Calif)
- Seafood imports (false labeling, restricted species, etc.)
- Marine Mammal Protection Act (Killing, harassing, taking/selling parts of whales, dolphins, sea lions, seals)
- Endangered Species Act (Marine animals, some whales, abalone and Salmon/Steelhead) *Note: this includes impact to rivers and creeks downstream of dams that have Steelhead Trout such as **Ventura River, Santa Clara River, Sespe Creek** and tributaries*
- Channel Islands National Marine Sanctuary (waters off Anacapa for Ventura county)

RESOURCES AVAILABLE:

Investigative and intelligence assistance related to laws above, federal criminal and civil enforcement options related to above laws/activities.

AGENCY CONTACT INFORMATION:

Southwest Regional Office:

Ho Truong - Assistant Special Agent in Charge
David Reilly - Special Agent
501 W. Ocean Blvd. Suite 4300
Long Beach, CA 90802
(562) 980-5040
(800) 853-1964 (24 Hr National Hotline)

Santa Maria Field Office:

Bill Struble - Special Agent
2027 Preisker Lane, Suite A
Santa Maria CA, 93454
(805) 739-5317 Ofc
(805) 739-5371 Fax
(805) 260-7482 Cell (24 Hr –SA Struble)

For Official Use Only (FOUO)

Missing Persons Checklist.pdf

INVESTIGATIVE CHECKLIST FOR FIRST RESPONDERS



This Checklist is meant to provide a framework of actions, considerations, and activities that may assist in performing competent, productive, and thorough missing/abducted-children investigations.

First Responder

- Activate patrol-vehicle-mounted video camera, if circumstances warrant, when approaching the scene to record vehicles, people, and anything else of note for later investigative review.
- Interview parent(s)/guardian(s)/person who made the initial report.
- Confirm the child is in fact missing.
- Attempt to verify the child's custody status.
- Identify the circumstances of the missing episode.
- Determine when, where, and by whom the missing child was last seen.
- Interview the individuals who last had contact with the child.
- Identify the child's zone of safety for his or her age and developmental stage.
- Make an **initial assessment**, based on the available information, of the type of incident whether nonfamily abduction; family abduction; runaway; or lost, injured, or otherwise missing.
- Obtain a **detailed** description of the missing child, abductor, and any vehicles used.
- Secure photos/videos of the missing child/abductor, and don't forget photos that may be available on cell phones.
- Evaluate whether the circumstances meet **AMBER Alert™ criteria** and/or other immediate community-notification protocol if not already activated. Discuss plan activation with supervisor.
- Evaluate whether the circumstances warrant requesting the National Center for Missing & Exploited Children®'s (NCMEC) Team Adam. If a Child Abduction Response Team (CART) is in the area, does the child's case meet their activation criteria?
- Relay detailed descriptive information to communications unit for broadcast updates.
- Determine need for additional personnel including investigative and supervisory staff.
- Brief and bring up-to-date all additional responding personnel.
- Identify and separately interview everyone at the scene. Make sure their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present. Video cameras affixed to patrol vehicles may be helpful with this task.
 - Note name, address, home/business phone numbers of each person.
 - Determine each person's relationship to the missing child.
 - Note information each person may have about the circumstances surrounding the missing episode.
 - Determine when/where each person last saw the child.
 - Ask each one, "What do you think happened to the child?"
 - Obtain names/addresses/phone numbers of the child's friends/associates and other relatives and friends of the family.
 - Determine if any suspicious activity or people were seen in the area.
 - Determine if any people were seen who seemed unusual, strange, or out-of-place.
- Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
- Obtain and note permission to search home or building where incident took place **even if the premises have been previously searched by family members or others.**
- Conduct an immediate, thorough search of the missing child's home **even if the child was reported missing from a different location.**
- Seal/protect scene and area of the child's home, including the child's personal articles such as hairbrush, diary, photos, and items with the child's fingerprints/footprints/teeth impressions, so evidence is not destroyed during or after the initial search and to help ensure items that could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/take videos of these areas.
- Evaluate the contents and appearance of the child's room/residence.
- Inquire if the child has access to the Internet and evaluate its role. Do not overlook activity on social-networking websites and teen chatlines.
- Ascertain if the child has a cell phone or other electronic communication device and obtain the most recent records of their use.
- Extend search to surrounding areas and vehicles, including those that are abandoned, and other places of concealment such as abandoned appliances, pools, wells, sheds, or other areas considered "attractive nuisances."
- Treat areas of interest as potential crime scenes including all areas where the child may have been or was going to be located.
- Determine if surveillance or security cameras in the vicinity may have captured relevant information. This information may be used to help locate the child and/or corroborate or refute witness statements.
- Interview other family members, friends/associates of the child, and friends of the family to determine
 - When each last saw the child.
 - What they think happened to the child.
 - If the child had complained about being approached by anyone.

- [] Review sex-offender registries to determine if registered individuals live/work in the area or might otherwise be associated with the case. Call NCMEC toll-free at 1-800-THE-LOST® (1-800-843-5678) to request assistance with this step.
- [] Ensure information regarding the missing child is entered into the National Crime Information Center's (NCIC) Missing Person File no more than two hours after receipt of the report and any information about a suspected abductor is entered into the NCIC Wanted Person File. Carefully review NCIC categories before entering the case, and be sure to use the Child-Abduction flag whenever appropriate.
- [] Prepare flier/bulletin with the child/abductor's photo and descriptive information. Distribute in appropriate geographic regions. Call NCMEC toll-free at 1-800-THE-LOST (1-800-843-5678) for assistance with this step.
- [] Prepare reports/make all required notifications.

Supervisory Officer

- [] Obtain briefing and written reports from the first responding officer and other personnel at the scene.
- [] Decide if circumstances meet the protocol in place for activation of an **AMBER Alert** and/or other immediate community-notification systems if not already activated.
- [] Determine if additional personnel are needed to assist in the investigation.
- [] Establish a command post away from the child's residence.
- [] Determine if additional assistance is necessary from
 - [] State/Territorial Police.
 - [] Missing-Children Clearinghouse.
 - [] Federal Bureau of Investigation (FBI).
 - [] Specialized Units.
 - [] Victim-Witness Services.
 - [] NCMEC's Project ALERT®/Team Adam.
 - [] CARTs.
- [] Confirm all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.
- [] Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
- [] Verify all required notifications are made.
- [] Ensure all agency policies and procedures are in compliance.
- [] Be available to make any decisions or determinations as they develop.
- [] Use media including radio, television, and newspapers to assist in the search throughout the duration of the case.

Investigative Officer

- [] Obtain briefing from the first responding officer and other on-scene personnel.
- [] Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
- [] Initiate a neighborhood canvass using a standardized questionnaire.
- [] Obtain a brief, recent history of family dynamics.
- [] Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
- [] Collect article(s) of the child's clothing for scent-tracking purposes.
- [] Review and evaluate all available information and evidence collected.
- [] Secure the child's latest medical and dental records.
- [] Contact landfill management and request they delay or at least segregate garbage and dumping containers from key investigative areas in cases where it is suspected there may be imminent danger to the missing child.
- [] Develop and execute an investigative plan.
- [] Conduct a criminal-history background check on all principal suspects, witnesses, and participants in the investigation.
- [] Determine what additional resources and specialized services are required.
- [] Ensure details of the case have been reported to NCMEC.
- [] Prepare and update bulletins for local law-enforcement agencies, missing-children clearinghouse, FBI, and other appropriate agencies.
- [] Establish a phone hotline for receipt of tips and leads. Consider establishing an e-mail address and other methods of electronically receiving leads as well.
- [] Establish a leads-management system to prioritize leads and help ensure each one is reviewed and followed up on. **Note:** NCMEC has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's Missing Children Division toll-free at 1-800-THE-LOST (1-800-843-5678).

BIO Evidence Package.JPG

General Evidence Package.JPG

Narcotics Evidence Package.JPG

DV Protocol Executed Final 092117.pdf



**Ventura County
Domestic Violence
Law Enforcement
Protocol**

August 2017

This protocol provides recommended “best practices” for the investigation of domestic violence cases. Officers responding to domestic violence calls often confront volatile and dynamic circumstances that pose risks to their own safety. As always, officer safety and department policies should be a priority for peace officers.



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

August 2017

The Ventura County Law Enforcement Coordinating Committee voted unanimously to endorse the first domestic violence investigative protocol in 1992 to provide guidelines for the investigation of domestic violence cases here in Ventura County. The protocol was prepared in consultation with, and in cooperation with, numerous agencies across the county pursuant to Penal Code section 13701(b).

This sixth revision includes legal updates and best practices related to strangulation, gun violence restraining orders, and the protection of children exposed to domestic violence. These changes reflect current research in the field of domestic violence investigation and prosecution.

It is the intention of this protocol to provide guidance to officers and flexibility for individual departments to develop their own policies and procedures.

This protocol is not intended to address every situation or every potential issue, nor is it intended to diminish the exercise of an individual officer's discretion or the role of departmental policies that are consistent with state law. The protocol is intended to promote victim safety, protect children exposed to domestic violence and ensure abuser accountability.

Thank you for your dedication, courage and commitment.

Very truly yours,

GREGORY D. TOTTEN
District Attorney



GREGORY D. TOTTEN
District Attorney

SHERIFF GEOFF DEAN
Ventura County Sheriff

CHIEF KEN CORNEY
Ventura Police Department

CHIEF SCOTT WHITNEY
Oxnard Police Department

VENTURA COUNTY

LAW ENFORCEMENT COORDINATING COMMITTEE

CHIEF SCOTT WHITNEY
Oxnard Police Department
Chair

CHIEF ANDREW SALINAS
Port Hueneme Police Department

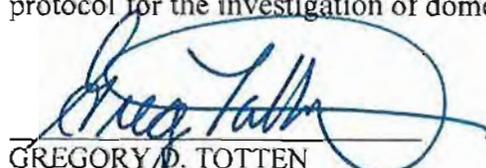
CHIEF DAVID LIVINGSTONE
Simi Valley Police Department

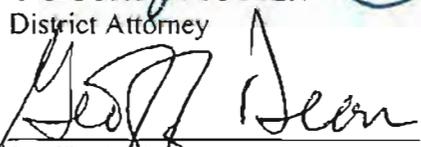
CHIEF STEVE MCLEAN
Santa Paula Police Department

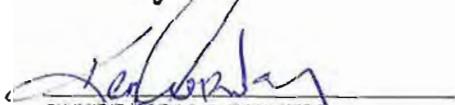
CAPTAIN T.S. ROBERTS
California Highway Patrol

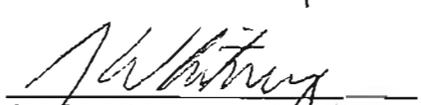
August 2017

In recognition of the serious problem domestic violence presents to the community and the need for a strong consistent response by law enforcement to stop the cycle of violence, the Ventura County Law Enforcement Coordinating Committee does hereby readopt this protocol for the investigation of domestic violence.


GREGORY D. TOTTEN
District Attorney

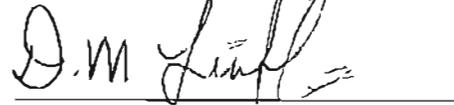

SHERIFF GEOFF DEAN
Ventura County Sheriff

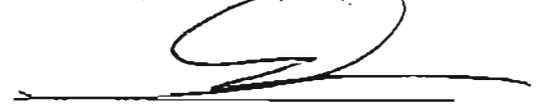

CHIEF KEN CORNEY
Ventura Police Department

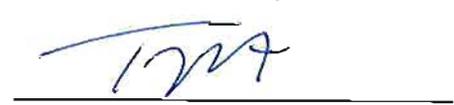

CHIEF SCOTT WHITNEY
Oxnard Police Department

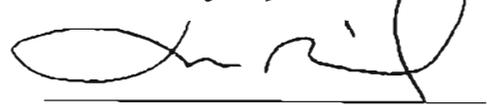

CHIEF JOEL JUSTICE
VCCCD Police


CHIEF ANDREW SALINAS
Port Hueneme Police Department


CHIEF DAVID LIVINGSTONE
Simi Valley Police Department


CHIEF STEVE MCLEAN
Santa Paula Police Department

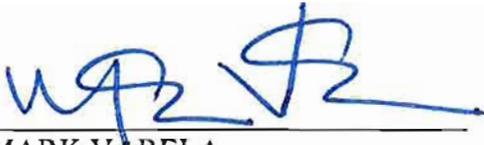

CAPTAIN T.S. ROBERTS
California Highway Patrol


CHIEF JOHN REID
CSU Channel Islands Police

**LAW ENFORCEMENT
COORDINATING COMMITTEE
PARTNERS IN COMBATING DOMESTIC VIOLENCE**

August 2017

In recognition of the serious problem domestic violence presents to the community and the need for a strong consistent response to stop the cycle of violence, the following agencies commit to partnering with the Ventura County Law Enforcement Coordinating Committee and hereby support this protocol for the investigation of domestic violence.



MARK VARELA
Director/Chief Probation Officer
Ventura County Probation Agency



ERIK STERNAD
Executive Director
Interface Children & Family Services



CAROLINE PRIJATEL SUTTON
Executive Director
The Coalition for Family Harmony



LORI HAUGH
Executive Director
The Partnership for Safe Families & Communities
of Ventura County
The Designated Child Abuse Prevention Council

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Protocol Policy Statement

- The California State Legislature has declared that:
 - (1) “[S]pousal abusers present a clear and present danger to the mental and physical well-being of the citizens of the State of California.” (Pen. Code, § 273.8)
 - (2) “A substantial body of research demonstrates a strong connection between domestic violence and child abuse.” (Pen. Code, § 13732(a))
- All law enforcement agencies shall respond to acts of domestic violence as a crime.
- Victims of domestic violence shall be treated with respect and dignity and shall be given appropriate assistance by law enforcement personnel responding to an incident of domestic violence, regardless of their sexual orientation, gender, gender conformity, age, or immigration status.
- The decision to prosecute a batterer lies within the discretion of the District Attorney’s office. Victims do not “press charges,” “drop charges,” or “prosecute” their batterers.
- Written policies shall be developed, which should encourage the arrest of domestic violence offenders if there is probable cause to believe that an offense has been committed.
- Written policies shall *require* the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order¹ has been violated.
- When possible and legally reasonable, law enforcement should remove firearms from the scene of domestic violence incidents.
- When reasonably possible, prosecutors should notify the court if domestic violence defendants own or possess registered firearms.
- When reasonably possible, law enforcement should seek a gun violence restraining order if a person is determined to be a present danger to him/herself or

¹ Includes Emergency Protective Orders, Domestic Violence Restraining Orders, Family Law Restraining Orders, and Criminal Protective Orders.

another person, by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm.

- Children exposed to domestic violence should be considered separately as victims in domestic violence incidents.
- Ongoing training will be provided to enhance law enforcement's response to domestic violence and children exposed to domestic violence.
- Domestic violence is complex. Victims should be empowered to make their own decisions about what they do immediately following a domestic violence incident.

Section 1 - Important Definitions

ABUSE: Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another. (Pen. Code, §13700(a))

ASPHYXIA: A condition arising when the body is deprived of oxygen, causing unconsciousness and ultimately death. In general, asphyxia due to suffocation requires at least partial obstruction of both nostrils and mouth.

COHABITANT: Two unrelated adults living together for a substantial period of time resulting in some permanency of relationship. Factors to be considered, include:

- (1) sexual relations between the parties while sharing the same living quarters,
- (2) sharing of income or expenses,
- (3) joint use or ownership of property,
- (4) whether the parties hold themselves out as spouses,
- (5) the continuity of the relationship, and
- (6) the length of the relationship. (Pen. Code, § 13700(b))

CHOKING: The *accidental* physical, internal obstruction of the windpipe resulting in a blockage that prevents the normal flow of air/normal breathing (e.g. food). Although victims and witnesses may use the terms “choke” or “choking” when describing an incident, law enforcement should be aware of the important distinction between choking and the medical term “strangulation.” (See below)

DATING RELATIONSHIP: Frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations. (Pen. Code, § 243(f)(10), Fam. Code, § 6210) Casual, one-time dates or first-time encounters would *not* be considered “dating,” and therefore not domestic violence.

DOMESTIC VIOLENCE: Abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. (Pen. Code, § 13700 (b))

DOMINANT AGGRESSOR: The person who is the most significant, rather than the first aggressor. (See Pen. Code, §§ 836(c)(3), 13701(b)) (Determining the dominant aggressor is discussed in Section 3.)

DUAL ARREST: The arrest of both parties in a domestic violence incident. Written policies shall discourage, but not prohibit, dual arrests of both parties. (Pen. Code, § 13701(b)) (Discussed in Section 3.)

POSITIONAL ASPHYXIA: Asphyxia caused by compression of the face, neck, chest and/or abdomen sufficient to make it difficult or impossible to breathe, e.g. sitting on a victim's chest.

PROTECTIVE/RESTRAINING ORDERS: Terms that are widely used to cover a broad range of court orders that either prohibit or limit the type of contact that the restrained person may have with the protected person. (See Section 9 for a comprehensive breakdown of court orders. See Addendum F for examples of court orders.)

STALKING: Willful, malicious, and repeated following, or harassment with a credible threat made with the intent of placing that person in reasonable fear for his or her safety or the safety of his or her immediate family. (Pen. Code, § 646.9(a)) A credible threat can be implied by conduct. (Domestic violence stalking cases are discussed in Section 7.)

STRANGULATION: A form of asphyxia characterized by the *intentional* closure of blood vessels and/or air passages of the neck as a result of external pressure applied to the neck sufficient to cause disruption of blood flow to or from the brain, or disruption of air exchange resulting in a lack of adequate oxygen delivery to the brain. (See addendum B) Strangulation can be accomplished by various methods, including:

- (1) Manual Strangulation: Use of the fingers, hands, forearms or other limb/extremity.
- (2) Ligature Strangulation: Use of some form of cord-like object around the neck *with no* suspension.
- (3) Strangulation by Hanging: Use of some form of cord-like object around the neck *with* suspension.

SUFFOCATION: The mechanical obstruction of airflow into the mouth and/or nostrils, as might occur by covering the mouth and nose with a hand, pillow, gag or a plastic bag. Suffocation can be partial or complete. Partial suffocation occurs when the victim can inhale some, but not enough, air.

Section 2 - 911 Operator/Dispatcher Response

- I. Policies developed by agencies pursuant to this protocol shall include written policies and standards for dispatchers' responses to domestic violence calls. Call takers who receive domestic violence calls shall dispatch officers to the scene. (Pen. Code, § 13701)
- II. When speaking to a victim of domestic violence, dispatcher(s) or 911 operators will not discuss the victim's desire to "press charges," "drop charges," or "prosecute." Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate. Dispatchers should remain neutral.
- III. The safety of domestic violence victims shall be the primary concern of 911 operators. 911 operators shall advise the victim to leave the residence, if it can be done safely, whenever the suspect is present or likely to return.
- IV. During the initial call for assistance, the 911 call taker should consider asking the following questions:
 - A. Where is the emergency? What address? What apartment number?
 - B. Has anyone been injured? Is an ambulance needed? What are the injuries?
 - C. With whom am I speaking?
 - D. Is the suspect present?
 - 1) If yes, where, specifically in the residence?
 - 2) If no, direction of travel? Vehicles involved and type of vehicle?
 - E. Who is the suspect?
 - 1) How do you know?
 - 2) Are you in a relationship with that person?
 - F. Is the suspect under the influence of drugs or alcohol? If yes, what substance?
 - G. Are weapons involved? If yes, what kind? Where are they located? Have you been threatened by the weapon today or in the past? How was the weapon used?
 - H. Are you the victim? If no, are you a witness? Is anyone else there?

- I. Are children present? How many? How old are they? Where are they now?
 - J. What has happened?
 - K. Have the police been to the address before? If yes, how many times?
 - L. Has this ever happened before?
 - M. Do you have a restraining order/protective order?
- V. Because incidents of strangulation can result in hidden or delayed injuries and complications, dispatchers should consider asking the caller if they were strangled or “choked” and evaluate the need to call for emergency medical aid. Circumstances indicating a need to call for emergency medical aid may include:
- A. Loss of breath or difficulty breathing
 - B. Loss of consciousness
 - C. Memory loss
 - D. Dizziness, disorientation, nausea, or headache during or after the incident
 - E. Vision loss or vision changes
 - F. Hearing loss or hearing changes
 - G. Voice changes or difficulty speaking
 - H. Coughing or difficulty swallowing or sensation of something in the throat
 - I. Sore throat
 - J. Urination or defecation
 - K. Problems with balance or coordination
 - L. Pain or stiffness to the neck
- VI. Calls reporting threatened, imminent, or ongoing domestic violence and the violation of any domestic violence restraining order or protective order shall be ranked among the highest priority calls.

**Dispatcher Practice Tip:
Restraining Orders**

Only a court can change the status of a restraining order. The victim’s wishes, desires, or behaviors cannot. (Pen. Code, § 13710(b)) This means that a restrained party is still in violation of a restraining order, even if the contact was invited by the protected party.

Section 3 - First Responder Duties

I. WHAT TO DO AT THE DOMESTIC VIOLENCE SCENE

A. ARRIVAL AT SCENE

1. Ensure departmentally issued body-worn camera and/or audio recorder is activated and record all statements.
2. Determine location and condition of victim(s), including children.
3. Summon ambulance, if injuries claimed or observed.
4. Determine if suspect is still at scene.
5. Determine if any weapon is involved.
6. Separate the victim, suspect, and witnesses, including child witnesses.
7. If children are present, follow the procedures set forth in Section 7 and cross-report to Child Protective Services
8. Prevent communication between the parties. This includes removing victim and witnesses from suspect's line of sight and range of hearing.
9. Re-ask about weapons once the parties are separated.
10. Determine what, if any, crime has occurred.
11. If a sexual assault is reported, follow the procedures set forth in Section 5.

Legally remove all firearms from domestic violence scenes and from those parties subject to a domestic violence restraining order or gun violence restraining order. (Pen. Code, §§ 18250, 18105)

B. INTERVIEW

Interview victim and witnesses separately. Interview any children who may have witnessed or heard the incident or any prior incidents. Do not ask the victim whether he/she wishes to press charges. The victim should be advised that the decision to prosecute is made by the District Attorney. Whenever possible, family members, particularly children, should not be used as interpreters (see Section 8). Maintain objectivity in reporting and avoid stating personal opinions.

1. VICTIM:

- a. Document the extent of injuries received in detail and the need for medical attention. Photograph the injuries.
- b. Determine and document whether the victim has been “choked”/strangled and, if so, have the victim evaluated by medical personnel. Signs and symptoms of “choking”/strangulation may include:
 - (1) redness/bruising/scratches to neck
 - (2) raspy voice
 - (3) soreness of neck
 - (4) incontinence
 - (5) petechiae anywhere on the face, in the eye, scalp, behind the ears, on the neck
 - (6) bruising underneath victim’s chin
 - (7) difficulty swallowing
 - (8) difficulty breathing
 - (9) coughing/vomiting
 - (10) torn clothing
 - (11) smeared makeup
- c. Document victim’s emotional condition and demeanor.
- d. Document evidence of substance/chemical use by victim.
- e. Document any spontaneous statements by victim. **Spontaneous statements may be used to impeach the victim’s testimony or to provide substantive evidence of the crime, if the victim later refuses to cooperate.**
- f. Document victim’s home, cell and work telephone numbers, work and home addresses, email addresses and emergency contacts. If victim is homeless or without stable permanent address, obtain a number for a close relative or friend. Inquire if victim’s phone number is safe to leave a voicemail.

Complete the Strangulation the Documentation Supplemental Form for each incident where a victim complains of being “choked” or “strangled,” or where sufficient facts arise to indicate force was used in any way to inhibit the victim’s ability to breathe. (See Addendum B)

- g. Document all statements made by suspect to victim during incident.
- h. Re-contact the victim after interviewing the suspect to ask follow-up questions, if appropriate.
- i. Follow internal departmental policies pertaining to victim notification procedures. Ask the victim if she/he wants to be notified when the suspect is release from jail. Provide the Ventura County Sheriff's office number (805-654-3355) for victim notification.
- j. Evaluate risk factors for serious violence and homicide. (See Addendum A)
- k. Document prior history of abuse in detail.

2. DUTY TO ADVISE VICTIMS OF THEIR RIGHTS

- a. Provide victim with Marsy's Law card pursuant to departmental policy. (Pen. Code, § 679.026)
- b. Provide referrals to community resources and relevant phone numbers.
- c. Explain options available to the victim including private persons' arrest process, emergency protective orders, temporary restraining orders, and, where appropriate, arrest procedures and ensuing criminal proceedings.

Under certain circumstances, defendant's prior acts of domestic violence against the victim may be admissible at trial to prove guilt of the current offense. (Evid. Code § 1109)

3. WITNESSES:

- a. Record interviews of all witnesses separately, noting names, addresses, email addresses, phone numbers, and emergency contacts.
- b. List the names and ages of children present.
- c. Interview all children pursuant to this protocol. (See Section 8) Document demeanor and location of child during incident.
- d. Document names and addresses of emergency personnel.

- e. Interview neighbors regarding what they heard and saw during the incident and any prior domestic violence incident(s).

4. NON-ENGLISH SPEAKING WITNESSES:

- a. Where possible, call another officer who speaks the witness's language to obtain his/her statement. If such officer is not available, utilize a departmentally-approved translation service.
- b. Officers should use caution when utilizing a witness as a translator. Such translations may not be accurate or admissible at trial.
Children and family should not be used as translators.
- c. If using a non-certified translator, establish and document the translator's ability/knowledge of the language, including:
 - (1) Years speaking the language
 - (2) Training and experience in the language
 - (3) Obtain contact information including current address, date of birth, phone number, driver's license, and employment information.
- d. Record all statements, including the translations.

5. SUSPECT:

- a. Document suspect's location.
- b. Document suspect's physical condition.
- c. Document suspect's emotional condition.
- d. Document evidence of illicit drug, prescription drug, and/or alcohol use by the suspect. (If appropriate, consider DRE Exam and/or search warrant for blood/fluid samples)
- e. Inquire about mental health history, diagnoses, and medications.
- f. Obtain emergency contact information, including personal cell, home, and work numbers; home and work addresses; and email addresses.

- g. Document, describe, and photograph any injuries, where appropriate, or the lack thereof.
- h. Advise suspect of Miranda rights where legally appropriate.
- i. If suspect waives and agrees to speak with officer, interview suspect.
- j. Record all statements using department-issued recording device.
- k. Assess for risk of suicide. (See Addendum A)

C. EVIDENCE:

1. Determine if firearms or other deadly weapons are present in plain sight or pursuant to a consensual search. (Pen. Code, §18250(a))
2. Describe the crime scene in detail. Note signs indicating a struggle such as overturned furniture, hair that has been pulled out, blood, broken fingernails, holes in walls, damaged telephones, etc.
3. Photograph the crime scene.
4. Photograph all victims' and suspects' injuries.
5. Photograph and book all weapons and other instrumentalities of the crime (i.e. belts, electrical cords, hangers, gas cans, bottles, lighters, broken lamps, etc.).
6. Follow your departmental guidelines for the storage and transfer of images when using digital cameras.
7. Follow your departmental guidelines for appropriate use, storage and transfer of digital information when using body cameras.
8. Collect surveillance video footage from crime scene or surrounding areas or submit a request to preserve it.

D. MEDICAL TREATMENT

1. Transport or have victim and/or suspect transported to hospital, if medical treatment is necessary.
2. Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim and/or defendant.

3. Photograph victim's and/or suspect's injuries (or lack thereof) before he/she is transported to the hospital, when reasonably practical.
4. Obtain signed medical release, if appropriate and reasonably practical.
5. Obtain treating physician's name, address, and telephone number.
6. Interview treating physician and confirm nature and severity of injuries.
7. Document all victim statements made to medical personnel, if reasonably practical.
8. Request that blood samples taken by the hospital be preserved, if substances are suspected. Obtain a search warrant to legally obtain samples. (Note: Without a request from law enforcement some hospitals or medical centers may dispose of samples after two days.)

II. BAIL

- A. Prepare a declaration to increase bail above the schedule amount or to deny an O.R. release, if it appears that the suspect may not appear in court, or, if the suspect's release from custody may pose a serious threat to the victim's well-being. (Pen. Code, §§ 1269c, 1270.1 and 1275)
- B. Additional factors:
 1. Access to/use of weapons
 2. Suicidal ideation
 3. Mental instability
 4. Substance abuse
 5. Threats to harm the victim if abuse is reported to law enforcement
 6. Prior acts of violence
 7. Prior criminal history
 8. Risk of flight.

COMPLETE A DOMESTIC VIOLENCE CRIME REPORT

Law enforcement shall complete a written incident report pursuant to departmental policy. (Pen. Code, §§ 13730, 13730(c)) (Law enforcement should maintain objectivity in reporting and avoid personal opinions regarding comments from victim/suspect.)

III. TEEN RELATIONSHIP VIOLENCE

A. JURISDICTION

Domestic violence offenses such as Penal Code sections 273.5 and 243(e) apply equally to juvenile offenders. When a juvenile commits any crime within the state, the Juvenile Court has jurisdiction over the minor and the District Attorney's Office is responsible for the prosecution of those cases.

B. POLICE RESPONSE

1. Investigation: Law enforcement officers shall document the relationship between the parties.
2. Arrest: While pro-arrest policies apply equally to teen relationship violence cases, it should be noted that when a juvenile is arrested, it is the "Risk Screening Criteria," as set forth by the Ventura County Probation Department, that will determine whether a juvenile will be incarcerated in Juvenile Hall. When a juvenile is incarcerated, there is no bail. The juvenile will stay in Juvenile Hall until he or she is arraigned or otherwise released by Juvenile Hall.
3. Victim Assistance: The victim is entitled to all the services described in this protocol, including an emergency protective order and referral information, regardless of age.
4. Cross-report to Children and Family Services (CFS): Since the juvenile offender is a minor, a cross-report to CFS is still required.

C. PROTECTIVE ORDERS FOR TEENS

A minor 12 years old or older may seek a protective order, temporary restraining order, or injunction against an abusive partner without a guardian or counsel. (Code Civ. Proc., § 372) Emergency Protective Orders shall also be requested for teen victims, when applicable.

IV. ARREST OF SUSPECT

- A. **FELONY ARRESTS:** If a peace officer has probable cause to believe that a felony has occurred, the officer shall arrest, absent unusual circumstances.
- B. **MISDEMEANOR ARRESTS:**
1. If a misdemeanor offense has been committed in the officer's presence, the officer shall arrest.
 2. If a person commits an assault or battery upon his or her spouse, former spouse, cohabitant, former cohabitant, or someone with whom a current or former dating or engagement relationship exists, or upon the parent of his or her child, a peace officer may arrest the person without a warrant if both of the following circumstances apply (Pen. Code, §836(d)):
 - a. The officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
 - b. The officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
- C. **DOMESTIC VIOLENCE RESTRAINING ORDER/PROTECTIVE ORDER ARREST:** If the officer has probable cause to believe that the person has notice of the order and has committed an act in violation thereof; or if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party, the officer shall arrest.
- D. **PRIVATE PERSON'S ARREST:** Any time a peace officer responds to a domestic violence call, the peace officer shall make a good faith effort to inform the victim of their right to make a citizen's arrest, unless the peace officer makes an arrest for Penal Code sections 243(e)(1) or 273.5.

This policy encourages the arrest of domestic violent offenders if there is probable cause to believe that a domestic violence offense has been committed. (Pen. Code, § 13701(b))

- E. ARREST AND RELEASE: Penal Code section 853.6 sets forth procedures for the arrest and release of a person suspected of a misdemeanor violation of a protective court order involving domestic violence if the officer does not immediately take the suspect before a magistrate. (Cite and release is no longer authorized.)

- F. DUAL ARRESTS DISCOURAGED: Penal Code section 13701(b) requires officers to make reasonable efforts to identify and arrest the dominant aggressor. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.
 - 1. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor.

 - 2. In determining whether a person is the dominant aggressor, the officer shall consider the following: (Pen. Code, § 13701(b))
 - a. The intent of the law to protect victims of domestic violence from continuing abuse.
 - b. Any threats, real or implied, which instill fear of physical violence by one partner toward another.
 - c. Any history of domestic violence between the partners.
 - d. Whether either partner acted in self-defense.

 - 3. Other factors law enforcement personnel should consider:
 - a. Relative height/weight of the parties.
 - b. Criminal history.
 - c. Level of violence.
 - d. Presence of fear.
 - e. Existing court orders.
 - f. Corroborating witnesses.
 - g. Demeanor of parties.

- h. Use of alcohol/drugs.
 - i. Offensive/defensive injuries.
 - j. Whether the injuries are consistent with explanation.
 - k. Any history of controlling behavior or coercion.
 - l. Which party called 911.
- G. When no arrest is made in a domestic violence investigation, law enforcement shall document the incident, pursuant to Penal Code section 13730(c).

Section 4 - Follow-Up Investigation

Per departmental policies, all domestic violence reports prepared by officers pursuant to Penal Code sections 13700 et seq., may be referred to investigative personnel for review and follow-up investigation as soon as reasonably possible. Whenever possible, investigative personnel will be specifically designated to handle domestic violence cases.

- I. FOLLOW-UP INVESTIGATIONS SHOULD INCLUDE:
 - A. A review of patrol reports to ensure accuracy and completeness.
 - B. Any necessary follow-up, with victim and witnesses.
 - 1. Re-interview of victim and witnesses, including children, as appropriate. (See Section 8)
 - a. Do not ask the victim whether he/she wishes to press charges.
 - b. Advise the victim they have a right to have an advocate present.
 - 2. Interviews of additional corroborating witnesses, including neighbors who may have heard the incident, if applicable.
 - C. A detailed follow-up report containing all new and/or different information. Do not simply “confirm” what is in the patrol officer’s report.
 - D. If the District Attorney’s office files charges against the suspect, additional evidence, if applicable, may be requested, including:
 - 1. Subsequent photographs of the victim. (Consider, even if the patrol officer took photographs.)
 - 2. Copies of all medical reports, Medically Mandated Reports and “Suspicious Injury Forms,” if available.
 - 3. A copy of the 911 recording and printouts.
 - 4. The names, addresses and telephone numbers of two close friends or relatives of the victim who will know of her/his whereabouts at all times during and after the investigation.

5. In-house domestic violence criminal history check of the suspect and the victim.
6. Copies of prior police reports, prior 911 printouts and recordings, and videos, including body-worn camera footage, if applicable.

E. INTERVIEW SUSPECT

As legally appropriate, advise, pursuant to *Miranda*, if this has not been done by patrol officers. Interview the suspect unless he/she has invoked. If the suspect has been advised, waived and made a statement, you may re-advise and re-interview to ask further questions or clarify statements made.

II. REFERRAL TO DISTRICT ATTORNEY FOR REVIEW.

- A. If the elements of the offense can be established with the testimony of the victim and if the victim is cooperative, the case should be submitted to the Sexual Assault Family Protection Unit (SAFP) for review.
- B. If the elements of the offense can be established without the testimony of the victim and if the victim will not cooperate, the case should be submitted to the Sexual Assault Family Protection Unit (SAFP).
- C. If the victim will not cooperate, and there is insufficient independent corroboration to establish the offense, each department will determine if the case should be submitted for review. Corroboration may include significant injury to the victim. Such reports shall be maintained by the department according to policies developed consistent with Penal Code section 13701(b).
- D. In situations where the victim will not cooperate and there is insufficient corroboration and the investigator determines there is a high risk of lethality based upon patrol reports and follow-up investigation, the case shall be discussed with an attorney from the Sexual Assault Family Protection Unit (SAFP).
- E. Contact the victim to advise of the status of the case, and if applicable, the intended referral to the District Attorney's Office.

Section 5 - Domestic Violence Sexual Assaults

- I. When a peace officer responds to a call involving domestic violence and learns that a victim has been sexually assaulted, in addition to the guidelines for Section 3 above, the peace officer shall do the following:
 - A. Ensure the victim's safety.
 - B. Evaluate the need for emergency medical care.
 - C. Evaluate the need for additional units and a supervisor.
 - D. Identify suspect and, if possible, determine suspect's location.
 - E. Conduct an initial interview of victim. Evaluate the need for crisis intervention/advocate on scene.
 - F. Determine the need for a medical legal evidentiary exam of victim.
 - G. If the victim consents, notify a Safe Harbor facility. (See Addendum D for contact information) The Safe Harbor facility will automatically contact a sexual assault victim advocate.
 - H. Transport the victim to a Safe Harbor facility.
 - I. Notify sexual assault detective per agency policy.
 - J. Stand by during the Sexual Assault Medical Legal Evidentiary Exam.
 - K. Provide transportation for the victim upon completion of the examination.
 - L. Preserve the crime scene and seize evidence related to sexual assault or request assistance from an evidence technician or crime lab personnel.
 - M. Identify, isolate, and interview potential witnesses.
 - N. Book evidence. (See subsection IV below)
 - O. Determine the advisability of a forensic exam of a suspect (see subsection III below)
 - P. Complete reports and submit them to investigations.

II. SEXUAL ASSAULT RESPONSE TEAMS

- A. The Sexual Assault Response Team (SART) is comprised of three disciplines: law enforcement, the sexual assault nurse examiner (SANE) and a rape crisis advocate.
- B. Unless the victim is in need of medical assistance, all sexual assault and medical legal evidentiary exams and forensic interviews should be conducted by SART at one of two Safe Harbor facilities. (See Addendum D)

III. SEXUAL ASSAULT FORENSIC EXAMINATION PROCEDURES FOR SUSPECTS

- A. The decision to conduct a sexual assault examination of the suspect is made by the investigating agency, pursuant to departmental policy, and made on a case by case basis.
- B. If conducted, the sexual assault examination should occur as soon as possible after an assault has been reported, ideally no more than 48-72 hours after.
- C. Any authorized medical examination shall include a buccal swab for DNA comparison/processing. DNA can be collected on individuals up to 120 hours after the assault.
- D. Under no circumstances shall the suspect be taken to Safe Harbor.
 - 1. A SANE nurse is available during normal business hours. Contact the Safe Harbor Coordinator for the on-call SANE nurse and request a “suspect examination.”
 - 2. After regular business hours: Contact the Afterhours Call-out Service and request the on-call nurse to conduct a “suspect examination.”
- E. Suspect examinations can occur in the following locations:
 - 1. Law enforcement agency

The most common defense in domestic violence sexual assault cases is that of consent. Thorough investigations require probing into this issue by asking questions of witnesses and collecting/documenting evidence that focus on the issue of consent.

2. Jail
 3. Local hospital
- F. No suspect examination shall be conducted unless the requesting officer has:
1. Consent
 2. A search warrant authorizing the medical examination, or
 3. Exigent circumstances
- G. Once the examination is completed, officers must book all evidence collected.

IV. EVIDENCE COLLECTION AND SEIZURE

- A. Officers collecting evidence shall tag items separately and shall ensure a legally sufficient chain of custody. Items to be seized and booked into evidence include:
1. All clothing worn by the suspect at the time of the offense.
 2. Clothing worn by the victim that may be contaminated or contain evidence. Note: If a victim's clothing is to be seized, have the victim take a change of clothing to Safe Harbor.
 3. Evidence that cannot be collected by the responding officer without disturbing the crime scene (e.g., blood spatter evidence) must be protected until the assigned investigator determines if an evidence technician is needed, and if so, can respond and take custody of the evidence.
 4. All other items that could possibly contain evidence (i.e., bedding, condoms and packaging, etc.).
 5. All rape kits obtained by SANE nurses.
 6. The Sexual Assault Nurse Examiner's report.

All clothing seized shall be placed in separate paper bags. Do not book the clothing in plastic

7. If the assault occurred in a vehicle, the vehicle should be impounded as evidence with a hold for the appropriate investigative unit.
8. If the victim may have ingested any drug, request that the SANE nurse take a urine sample as soon as possible. Drugs may be detectable within 36 hours after ingestion.

Section 6 - Victims' Rights

- I. All victims shall be advised of their rights pursuant to Marsy's Law. (Pen. Code, § 679.026)
- II. All victims of domestic violence and sexual assault shall be provided with a "Victim of Domestic Violence" card developed by each agency. This card shall include suggested procedures following an assault and a list of available services. (Pen. Code, §§ 264.2, 13701(H)1)
- III. All victims of sexual assault shall be advised that their name will become a matter of public record unless they request otherwise. (Pen. Code, §§ 293 and 293.5) A sexual assault is defined as a violation of Penal Code sections 220, 236.1, 261 through 267, and 281 through 292.
 - A. An officer shall advise the victim of her/his right to anonymity and encourage the victim to discuss this right with the Deputy District Attorney handling their case.
 - B. If requested by the victim, law enforcement agencies are prohibited from disclosing the victim's name and address to anyone except the prosecutor.
 - C. Officers shall use the victim's true name when completing their crime and arrest reports, property tags, hospital records, etc.
- IV. All victims of sexual assault, including spousal rape, shall be notified orally or in writing of their right to have a sexual assault victim counselor and at least one additional support person chosen by the victim present at any evidentiary, medical, or physical examination or interview by law enforcement, district attorneys, or defense attorneys. This right does not apply to the initial investigation by law enforcement to determine whether a crime has been committed. (Pen. Code, § 679.04)

Section 7 – Stalking

“Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family” is guilty of the crime of stalking. (Pen. Code, § 646.9)

- I. Law enforcement should consider charging the crime of stalking when victims report that they have made *life changes* due to a suspect’s actions:
 - A. If victims have changed their phone numbers, changed their routes to and from work, changed locks on the doors, etc., additional inquiry must be made to determine whether this is an isolated incident or repeated conduct.
 - B. Phone calls, recorded messages, text messages, social media postings, handwritten notes and emails, etc., can establish the pattern of behavior which is causing the victim to fear for his or her safety and should be documented and, when feasible, collected and booked into evidence.
 - C. Previous incidents involving the suspect should be documented and, if reported, previous crime reports obtained.
- II. A "credible threat" means a verbal or written threat, or a threat implied by a pattern of conduct, or a combination of both made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family.
- III. A “credible threat” requires that the suspect has the apparent ability to carry out the threat so that the target of the threat is reasonably fearful for his or her safety. It is not necessary to prove that the suspect had the intent to carry out the threat. A suspect can make a credible threat even if he/she is in jail. (Pen. Code, §646.9(g))
 - A. A credible threat can be made electronically or through any electronic communication device.
 - B. “Electronic Communication devices” include, but are not limited to, phones, cell phones, computers, video recorders, fax machines, or pagers. (Pen. Code, § 646.9(h))

Discuss potential stalking cases with your agency’s domestic violence detective(s) and/or the supervising attorney or a senior deputy district attorney in the Sexual Assault Family Protection Unit. Stalking cases are vertically prosecuted by the Sexual Assault Family Protection Unit.

Section 8 - Children Exposed to Domestic Violence

- I. Children are often present at domestic violence calls. Research studies have consistently found a high correlation between children's exposure to domestic violence and:
 - A. depression, anxiety, post-traumatic stress and/or an impacted sense of well-being, safety, and stability
 - B. behavioral, social and emotional problems such as aggression, anger, hostility, and low self-esteem
 - C. cognitive and attitudinal problems such as poor school performance and lack of conflict resolution skills
 - D. increased tolerance for violence in relationships and high levels of adult depression.²

- II. GUIDELINES FOR OFFICERS
 - A. Recognize that children present during a domestic violence situation may also be direct victims of violence. (Pen. Code, § 273a(a))
 - B. Recognize that even if a child was *not* present during the immediate instance of domestic violence, they may have been exposed to it in the past. A careful interview of the child may reveal corroboration or a pattern of evidence.
 - C. Recognize that if a child was present during domestic violence, even in a different room, that child can be a victim, if he/she was placed in a situation where his/her person or health may be endangered. (Pen. Code, § 273a(b)) Document emotional distress/demeanor: fearful, angry, calm, tearful/crying, nervous, upset, etc..
 - D. Recognize that often children do not "sleep through" the domestic violence, contrary to what a victim may tell you.

² Rossman, 2001; Singer, Angelin, Song, and Lunghofer, 1995; Dube, Anda, Felitti, Edwards, & Williamson, 2002; McEwen, 2000; Perry, 2001; CDC, 1999; Malinosky-Rummell & Hansen, 1993; Daro et al., 2004; Finkelhor 2006; Osofsky, 2004

- E. Interview all children present, where possible. Children as young as four years old are often able to describe the violent episode and can be reliable witnesses when interviewed properly.
- F. Interview the domestic violence victim and child witnesses separately, unless the child is too young. Never interview any witnesses in the presence of the suspect.
- G. If children were in the home at the time of the domestic violence incident or personally witnessed the domestic violence, make sure to list them as witnesses in the body of the crime report. If a child is a victim of any crime, including child endangerment, list the child as a victim in the report and/or write a separate report.
- H. Take photographs of the crime scene, including any evidence of a child's exposure to violence such as crib/child's bed in the room where victim was injured, evidence of a struggle, broken toys or objects thrown around room, other.

When children are present during a domestic violence incident consider charging Penal Code section 273a(b), child endangerment, as an additional crime.

III. INTERVIEWING CHILDREN

Children can be reliable and credible witnesses when properly interviewed. The utmost care and consideration for the children's physical and mental welfare is paramount. When interviewing children, let your training, experience, and department policy guide you.

- A. Start by establishing rapport.
- B. Locate an area where the child will feel safe and comfortable.
- C. Talk to the child at his/her physical level.
- D. Talk to the child at his/her educational/developmental level.
- E. Ask non-threatening and non-intimidating questions.
- F. If possible, remove the child from the victim's line of sight. Never interview the child in the presence of the suspect.
- G. Ask questions about the child's physical and emotional condition. Understand that children can suffer mentally from witnessing acts of domestic violence.

- H. Ask simple, open-ended questions, including:
1. Are you hurt? (If yes, refer to child victim/witness protocol)
 2. What happened? (hitting, yelling, etc.)
 3. Who was there? (mommy, daddy, etc.)
 4. Did anyone get hurt? (get description of injury)
 5. Who got hurt?
 6. Who did the hurting? (mommy, daddy, both, etc.)
 7. What was mommy-daddy hurt with? (description of mechanism, fist, belt, etc.)
 8. When did it happen? (day, night, etc.)
 9. Where did it happen? (location in the house)
 10. Has it happened before? (if yes, document frequency)
- I. Allow the child to describe in his/her own words what happened. Use the vocabulary that is offered by the child and avoid introducing new vocabulary to the child.
- J. Avoid asking leading questions. Do not provide information to the child or ask the child to confirm or deny it (i.e., "Is this what happened?").
- K. Allow the child time to respond, and repeat questions, as necessary.

IV. USE OF CHILDREN AS INTERPRETERS DISCOURAGED

Avoid using children as interpreters. This may increase a child's trauma and/or put him/her in a situation of divided loyalty. He/she may fear repercussions from the aggressor in the incident. The translation may be unreliable because it is affected by the child's own emotional state.

V. DUTY TO CROSS-REPORT TO CHILD AND FAMILY SERVICES (CFS)

When children reside in the home where domestic violence occurs and law enforcement believes that the children are at risk, the officer shall:

- A. Use department guidelines to determine whether or not to place the child in protective custody, if the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5.
- B. If the circumstances do not meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5, consider making a referral to a local community based organization.
- C. Immediately call CFS at (805) 654-3200 and send a written follow-up report (DOJ SS8572 Suspected Child Abuse Report) to CFS within 36 hours, if the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5.
- D. Evaluate risk factors when making a referral to CFS, including:
 1. The severity of the incident.
 2. Any evidence of previous domestic violence incidents in the household.
 3. The child's involvement in the dispute.
 4. The child's exposure to potential danger during the incident because of the behavior of either party.
 5. The parent or guardian's use of alcohol or drugs.
 6. The parent or guardian's ability to provide immediate care and protection for the child.
 7. The living conditions in the home.

Children who live in homes where there is domestic violence are at greater risk for physical injury, emotional harm, neglect, and sexual abuse. The officer must determine whether there is a need to remove the victim and children from the home.

If the officer believes that leaving the children in their current situation would put them at risk, the officer MUST notify CFS immediately to respond to the incident in accordance with mandated reporting requirements. (Pen. Code, §§ 11165.2 through 11165.6)

Children taken into protective custody should only be released to a Child Protective Services worker.

8. Any other factors which suggest that the child is or may be at risk.

VI. FORENSIC INTERVIEWS FOR CHILDREN EXPOSED TO CRIME

- A. In a case where domestic violence results in a homicide or attempted homicide, all departments are encouraged to have the children living in the home forensically interviewed by a certified forensic interviewer as soon as possible. The interviewer should use open-ended questions and not press the child for details.

It may be necessary for law enforcement to gather information about the possible abuse or critical incident directly from the child before a forensic interview is scheduled. This interview should seek only enough information to make immediate protective and investigative decisions.

- B. Officers should consider forensically interviewing all children who are witnesses to other violent or serious crimes.

Section 9 - Court Orders

I. GENERAL POLICY:

All court orders shall be enforced by law enforcement officers. This includes orders from other counties, states, or territories. (Pen. Code, § 13701(a), Pen. Code, § 836(c)(1))

If there are multiple restraining orders in place, a no contact order shall have precedence in enforcement over any other restraining or protective order. (Pen. Code, § 136.2(c)(1)(B)(2))

II. MANDATORY ARREST POLICY-PROTECTIVE ORDERS

Law enforcement shall arrest an offender, absent exigent circumstances, if there is probable cause to believe that a domestic violence restraining order/protective order has been violated. (Pen. Code, § 13701(b))

Law enforcement shall make an arrest even without a warrant and regardless of whether or not the violation occurred in the officer's presence. (Pen. Code, § 836(c)(1)(b))

The terms and conditions of a restraining or protective order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court. (Pen. Code, § 13710(b)) This means that "protected persons" are not in violation of protective orders when they acquiesce or invite the restrained person's contact; only the restrained person shall be arrested.

III. MUTUAL FAMILY CODE PROTECTIVE ORDERS

In situations where mutual family code protective orders have been issued, law enforcement shall make reasonable efforts to identify and may arrest those persons who are reasonably believed to have been the dominant aggressor. (Pen. Code, § 836(c)(3)) The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, pursuant to Penal Code section 836(c)(3), law enforcement shall consider:

- A. the intent of the law to protect victims or domestic violence from continuing abuse,
- B. the threats creating fear of physical injury,
- C. the history of domestic violence between the persons involved, and

- D. whether either person involved acted in self-defense.

IV. TYPES OF COURT ORDERS

- A. **RESTRAINING ORDER:** This term is widely used to describe a broad range of court orders that prohibit or limit the type of contact that the restrained person may have with the protected person.
- B. **CIVIL HARASSMENT RESTRAINING ORDER:** Issued by a civil judge and can be used for any named family or household members. (Code Civ. Proc., §527.6)
- C. **CRIMINAL PROTECTIVE ORDER: (CPO)** Issued by a criminal judge to protect the victim and witnesses of a crime. Such persons are referred to as “Protected Persons.” This may occur prior to the trial or as a condition of probation. These orders are usually good for a period of three years. Such orders are routinely issued in cases involving domestic violence. (Pen. Code, § 136.2)
 - 1. **NO CONTACT ORDER:** A restrained person is ordered to stay away from and have no contact with a protected person during criminal proceedings. (Pen. Code, § 136.2)
 - 2. **NO FORCE OR VIOLENCE ORDER:** A restrained person is ordered not to harass, strike, threaten, sexually assault or assault, follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected person. (Pen. Code, § 136.2)
- D. **CIVIL DOMESTIC VIOLENCE RESTRAINING ORDER:** Issued by a Family Court Judge regardless of whether a criminal case is filed. (Fam. Code, §§ 6300-6389) Restraining order assistance may be obtained from the Victim Services Unit of the District Attorney’s Office.
 - 1. **TEMPORARY RESTRAINING ORDER (TRO):** Upon application from a law enforcement officer, a judge may issue a temporary restraining order, if the judge determines the victim is in immediate and present danger of domestic violence. (Fam. Code, § 6250) Temporary restraining orders are in effect at the court’s discretion for a period not to

Only a judge can modify the terms of a criminal protective order regardless of the wishes of the protected person.

exceed 25 days, unless otherwise modified. (Code Civ. Proc., § 527.6(f))

2. “PERMANENT” RESTRAINING ORDER/ORDER AFTER HEARING (OAH): At a noticed and scheduled hearing, a Family Court Judge may issue a permanent restraining order. Unless otherwise noted on the face of the form, these orders are valid for three years from the date of issuance. (Fam. Code, § 6345)

E. DEPENDENCY/JUVENILE COURT ORDER: Order issued by the Juvenile Court, which regulates the interaction of parent(s), guardian(s), and children involved in a dependency or juvenile court case. (Fam. Code, § 6218, Welf. & Inst. Code, §§ 213.5, 304, 362.4)

F. EMERGENCY PROTECTIVE ORDER (EPO): Court order that prohibits specified contact with the protected person. This type of restraining order can only be requested by law enforcement and law enforcement can request an ex parte EPO even though no crime has yet been committed. EPOs are valid for five court days or seven calendar days. (Pen. Code, § 646.91, Fam. Code, §§ 6240-6257). See VI below.

EMERGENCY PROTECTIVE ORDERS SUPERSEDE ALL OTHER COURT ORDERS. Judges are available 24 hours a day at 805-289-8763 (during court hours) or at 805-340-1386 (after court hours, weekends and holidays)

G. GUN VIOLENCE RESTRAINING ORDER (GVRO): Civil restraining order that prohibits a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearm or ammunition. (Pen. Code, §§ 18100, et seq.) Ex parte GVROs may be sought by law enforcement, the family, or cohabitants. (Pen. Code, § 18150) (See Section 12)

V. NOTIFICATION TO VICTIMS OF THE AVAILABILITY OF EMERGENCY PROTECTIVE ORDERS

A. Law enforcement shall inform victims of the availability of an EPO when they have reasonable grounds to believe:

1. There is an immediate and present danger of domestic violence based on the person's allegation of recent abuse or threat of abuse.
 2. The EPO is necessary to prevent the occurrence or recurrence of domestic violence. *If the person requests such an order, the officer shall request an EPO from the court.* (Fam. Code, §§ 6251, 6250, 6275; Pen. Code, § 646.91)
- B. The duty to advise victims about EPOs exists even though no crime has yet been committed. All victims should be advised that they may or may not qualify for an EPO if certain requirements are not met. (Last sentence added per Sharon)
 - C. The immediate and present danger determination shall be made regardless of the respondent's custody status or the protected person's continued residence in the home.

VI. PROCEDURES TO OBTAIN AN EMERGENCY PROTECTIVE ORDER:

- A. Complete the *Application for Emergency Protective order/Emergency Protective order* form lines 1 through 7 on the application (Form EPO-001 (rev. 1-2014) (CLETS)).
- B. During court hours, the officer shall contact a judge at 805-289-8763.
- C. After court hours, weekends, and holidays, the officer shall contact the duty judge at 805-340-1386.
- D. After approval, the judge will advise the officer what to record for lines 9 through 12 of the EPO section. The order may be granted for up to five (5) court days and will expire at 5:00 p.m. on the last specified court day.
- E. Once the EPO has been finalized, the officer shall provide a copy of the application and order to the issuing agency and to the protected party. A final copy of the application should be attached to the crime report for the court.
- F. The officer shall encourage the protected party to carry a copy of the EPO with him/her.

- G. The officer shall refer the individual to the Victim Services Division of the District Attorney's Office for assistance with obtaining further restraining orders.
- H. The officer shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.
- I. If a Protective Order is obtained, a Crime/DV Incident Report shall be prepared on the incident.

VII. ORDERS MUST BE SERVED ON RESTRAINED PERSON

- A. Law enforcement shall make a reasonable effort to serve the restrained party with the EPO.
- B. Verbal admonishment by a law enforcement officer shall constitute valid service of the order under the following conditions:
 - 1. Verbal admonishment shall be conducted in person.
 - 2. The terms and conditions shall be read to the restrained person.
 - 3. The restrained person shall be advised to go to the local court to obtain a copy of the order containing the full terms and conditions of the order (Fam. Code, § 6383(g)).
- C. If applicable, law enforcement should check with dispatch to determine whether a served order is on file.
- D. If applicable, law enforcement should access information about the terms of the order through CLETS/NCIC. Law enforcement may also check www.ventura.courts.ca.gov for limited restraining order information on all protective orders entered into CLETS.
- E. If no record of service exists:
 - 1. Advise the restrained person that there is an order in effect.

2. If available, provide a copy of the order to the restrained person. If a copy is not available, have the terms of the order read over the phone and then verbally advise him/her of those terms.
3. Advise the restrained person that s/he is now subject to the terms of the order and can be arrested for any further violation.
4. Document your contact and the service of the order per your departmental policy. Record your name, ID number, and date, time, and location that the suspect received the notice.

Prepare a crime report for every domestic violence restraining order/protective order violation. Whenever the suspect is not present at the scene, a crime report and warrant declaration shall be submitted to the district attorney.

- F. If a copy is provided to the restrained person by the victim, law enforcement shall complete and sign a proof of service form.
1. Give the original proof of service form to the victim.
 2. Follow departmental protocols regarding documenting “service” of the Court order(s).

Section 10 - Law Enforcement Officer or Military Involved in Domestic Violence Procedures

No person, because of his or her occupation, should be exempt from the application of laws concerning domestic violence. When responding to a domestic violence call involving a law enforcement officer or member of the military, the following procedures are recommended:

- I. INVESTIGATIONS INVOLVING LAW ENFORCEMENT OFFICERS FROM OTHER AGENCIES
 - A. All cases shall be investigated in accordance with applicable statutes, departmental policies, this protocol, and the Peace Officer's Bill of Rights.
 - B. The supervisor of the investigative unit shall notify the agency that employs the officer as soon as possible.
 - C. A copy of the completed investigation shall be provided to the investigator's agency supervisor.

- II. INVESTIGATIONS INVOLVING OFFICERS WITHIN THE INVESTIGATING AGENCY
 - A. All cases shall be investigated in accordance with applicable statutes, departmental policies, this protocol, and the Peace Officer's Bill of Rights.
 - B. Each agency shall develop and follow specific department policies and procedures regarding officer involved domestic violence consistent with the Peace Officer's Bill of Rights.

- III. INVESTIGATIONS INVOLVING MILITARY
 - A. The intent of this policy is to eliminate all informal referrals, diversions, or report-taking omissions in the handling of domestic violence involving military personnel.
 - B. No informal agreements with the shore patrol or a suspect's commanding officer shall take precedence over a suspect's arrest and prosecution by the non-military authorities.

- C. Weapons seized from military personnel shall be treated as evidence in a crime and not as government property.
- D. When contacting military suspects, obtain their social security numbers and their assigned command information.
- E. If the arrested person is a member of the local military, the watch commander has discretion to notify the Naval command duty officer at (805) 207-7277, or the Naval base operator (quarterdeck) at (805) 989-7209.
- F. See Addendum G for additional military contact information and military victim services

Section 11 - Courtesy Reports

If the responding agency determines that the abuse took place in another jurisdiction, the responding agency shall immediately contact the jurisdictional agency to inquire if they want a “courtesy” report to be prepared. Some agencies may wish to respond and take over the investigation. If a courtesy report is requested:

- I. The “courtesy” report should meet the same standards as any crime report investigated by that jurisdiction.
- II. An effort should be made to recover any relevant evidence and photograph the injuries.
- III. A case number should be assigned pursuant to reporting requirements set forth in Penal Code section 13730.
- IV. The agency where the crime occurred should be notified as soon as possible and a complete copy of the investigative report should be sent to that agency’s record section and/or investigative unit.

Section 12 - Domestic Violence Gun Seizures

- I. It is a crime punishable by imprisonment in county jail or state prison or fine for a person restrained by a protective order to own or possess a firearm during the term of the order. (Pen. Code, §§ 273.6(g)(1), 29825)
- II. Law enforcement shall ask victims if they know of any unregistered firearms that the suspect has access to.
- III. An officer at the scene of a domestic violence incident involving a threat to human life or a physical assault, or serving a gun violence restraining order or protective order, is authorized to take temporary custody of any firearm or other deadly weapon in plain view or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present. (Pen. Code, § 18250(a))
 - A. Upon taking custody of a firearm or other deadly weapon, the officer shall give the owner or person who possessed a firearm a receipt. The receipt shall describe the firearm or other deadly weapon and list any identification or serial number on the firearm. The receipt shall indicate where and when the firearm or deadly weapon can be recovered. (Pen. Code, §18255)
 - B. If the weapon seized is not retained for use as evidence in the domestic violence incident or is not retained because it was illegally possessed, the weapon must be released to the owner or person in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than five business days after the owner or person who was in lawful possession demonstrates compliance with Penal Code section 33850.
 - C. Complete a DV-800 *Proof of Firearms Turned In* form.
- IV. GUN VIOLENCE RESTRAINING ORDERS
 - A. An officer who reasonably believes a person is an immediate and present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may petition the court for a temporary gun violence restraining order. (Pen. Code, § 18125)

- B. Law enforcement petitioning the court should use the forms established by the Judicial Council. (Pen. Code, § 18105) The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person. (Pen. Code, § 18107) The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances. (Pen. Code, §§ 18125, 18150, 18175)
- C. If time and circumstances do not permit the submission of a written petition, law enforcement may make a telephonic request using the procedures for obtaining a telephonic search warrant in Penal Code section 1526 using the appropriate Judicial Council form. (Pen. Code, §§ 18140, 18145)
- D. 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 in accordance with Penal Code section 18120.

V. EX PARTE GUN VIOLENCE RESTRAINING ORDERS

- A. An immediate family member or law enforcement officer may file a petition requiring that the court issue an ex parte gun violence restraining order enjoining the subject from owning, purchasing, possessing, or receiving a firearm or ammunition.
- B. The petition shall state that the subject of the petition poses a significant danger of causing personal injury to himself, herself, or another and the ex parte gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another person because less restrictive alternatives have been tried and found ineffective or are inadequate for the circumstances. (Pen. Code, § 18150, et seq.)

VI. SEARCH WARRANTS

- A. A search warrant may be obtained to remove a firearm or other deadly weapon from a domestic violence scene or premise occupied or under the control of a person arrested in connection with a domestic violence incident involving a threat to human life or a physical assault. (Pen. Code, § 1524(a)(9))

- B. A search warrant may be obtained, if a firearm or ammunition or both are in the custody or control of a person who is the subject of a Gun Violence Restraining Order (GVRO). (Pen. Code, § 1524(a)(14))
- VII. Procedures for initiating an 18400-weapon confiscation petition by law enforcement
- A. Law enforcement may petition the court within 60 days of seizure to keep the weapon if there is reasonable cause to believe that the return of the weapon would likely result in endangering the victim or other reporting person.
 - B. Attach a copy of the 18400 notice to the police reports prepared in connection with the domestic violence incident. (Pen. Code, §18405)
 - C. Determine whether the parties involved in the domestic violence incident have been involved in any prior incidents involving violence. Submit any such information with the 18400 packet.
 - D. Deliver the packet to the District Attorney's Office for review as soon as possible after the date of offense.
 - E. Have the packet date and time stamped at the front reception desk at the District Attorney's office.
 - F. Hand carry the packet to the assigned weapons confiscation Deputy District Attorney.
 - G. The District Attorney's Office will run the Automated Firearms computer screens in all domestic violence cases when feasible, and attempt to notify the courts of relevant information regarding those registered firearms.

Section 13 - Victim Assistance

- I. In all domestic violence incidents, an officer should:
 - A. Exercise reasonable care for the safety of the victims, officers, and parties involved.
 - B. Assist in arranging to transport the victim to an alternative shelter if the victim expresses a concern for safety or the officer determines a need exists.
 - C. Explain options available to the victim, including emergency protective orders, temporary restraining orders, and in cases of arrest, the follow up procedures and ensuing criminal proceedings.
 - D. Provide the victim with the District Attorney's Marsy's Law card, and, if applicable, your department's information for victims of domestic violence.
 - E. Verify and enforce court-issued protective orders as set forth in this protocol.
 - F. If a child is endangered by the domestic violence incident, Child and Family Services (CFS) shall be telephonically notified immediately, or as soon as practicably possible (805-654-3200) In addition, a Suspected Child Abuse Report (SS 8572) shall be transmitted to CFS within 36 hours of the incident.
 - G. Sexual assault victims shall be advised that pursuant to Penal Code section 293, his or her name will become a matter of public record unless he or she requests that it not be made public.
- II. When a party in a domestic violence incident requests law enforcement assistance to remove personal property to another location, officers shall stand by for a reasonable amount of time until the party has safely done so.

Addendum A – Risk Factor Awareness

Several risk factors have been associated with serious injury and homicide. It is important to recognize that significant risks can be present in a case without the presence of visual evidence such as signs of physical abuse.

Important Note: Risks can extend beyond the victim to her/his children and other family members, co-workers, new intimate partners, others living in the home, etc.

- I. Lethality risk factors for domestic violence may include:
- Ready access to firearms, knives, other deadly weapons.
 - Parties lived together within the past year and the victim has recently left or threatened to leave.
 - Suspect is unemployed.
 - Threats or use of firearms or other weapons against victim.
 - Specific threats to harm or kill victim, children, family members or pets.
 - Suspect has not previously been arrested for domestic violence.
 - Suspect is constantly jealous, obsessive/possessive or controlling of victim's daily activities.
 - Suspect is not the biological parent of victim's child or children.
 - Forced sex or sexual acts.
 - Physical violence that has increased in frequency and/or severity in the past year.
 - Perceived betrayal such as victim is in a new relationship or has recently filed for child custody or child support.
 - Current history of restraining order violations with intimate partner or family members.

- Current or history of strangulation, often referred to as “choking.”
- Alcohol abuse, illicit drug use, or prescription drug abuse.
- Mental health challenges such as suicidal thoughts or gestures, and/or past or current suicidal attempts or behaviors.
- Stalking behaviors such as suspect monitoring the victim’s whereabouts, phone or computer use, and/or following the victim.
- Increased physical violence during pregnancy.
- Isolation from friends, family, coworkers, or others.

II. If risk factors are identified, consider the following:

- Request an Emergency Protective Order, unless a restraining order is already in place.
- Request a bail enhancement or no bail, if applicable.
- Ensure that the victim receives the DV hotline numbers and DV Resource Guide (see Addendum E).

III. Assessing victim and/or suspect for suicide:

A. Ask questions such as:

- Have you ever felt so bad that you didn’t want to go on living? Do you feel that way now?
- Have you ever attempted or thought about suicide in the past?
- Are you thinking about killing yourself? Do you have a plan?

B. If suicide risks are present, contact the Crisis Intervention Team at 866-998-2243 for an assessment.

Addendum B – Strangulation

The California Legislature recognizes strangulation as a serious threat to the health and well-being of the citizens of California. In 2012, California Penal Code section 273.5 was amended to specifically include injuries as a result of strangulation and suffocation as grounds for felony prosecution:

Penal Code section 273.5 (d): “...traumatic condition” means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, *injury as a result of strangulation or suffocation*, whether of a minor or serious nature, caused by a physical force. For purposes of this section, “*strangulation*” and “*suffocation*” include *impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.*” [Pen. Code, § 273.5(d)]

Non-fatal strangulation is a significant risk factor for predicting future homicide in family abuse cases including domestic violence, elder abuse, and child abuse. Female survivors of non-fatal strangulation are more than 600% more likely to become a victim of attempted homicide and more than 700% more likely to become a victim of homicide. Often, strangulation leaves no visible signs of injury.

Completion of the Strangulation Documentation Supplemental Form is recommended in every “choking”/strangulation case, regardless of whether there are visible injuries. This form shall be submitted with the crime report(s) to the District Attorney’s Office for review.

- I. Visible Injuries: Although visible injuries are not often present, it is imperative to document any that do exist. Visible injuries can include but are not limited to:
 - A. Vertical fingernail scratch marks on the victim may be an indication of self-inflicted defensive wounds. Victim attempts to release the suspect’s grasp around the neck.
 - B. Half-moon shaped abrasions are generally less than one centimeter in size, on the back of the victim’s neck (potentially under the hair) may provide evidence the suspect’s hands were wrapped around the neck.
 - C. Bite marks on the suspect may indicate the victim’s attempts to get the suspect to release his/her grip. The victim may *not* remember biting the suspect. Some bite areas may include the suspect’s bicep(s), forearm(s), shoulder(s), and upper chest.

- D. Head injuries to the victim may happen when the suspect hits the victim's head on the floor or wall during strangulation.
 - E. Swelling (edema) of the victim's neck, lips, and/or tongue. Describe these in the narrative, as they may not photograph well.
 - F. Bruising to the neck, such as a pressure point from the suspect's thumb(s) on the neck or from a ligature. Often this bruising does not appear right away and may appear as redness on the neck.
 - G. Bruising underneath the victim's chin may occur from pressure when a victim pushes down with their chin to break the grip of the offender.
 - H. Petechiae may be present in some cases. These are pin point red or red-purple non-blanching dots that may be seen on the earlobes, eyelids, eyes, lips, cheeks, behind the ears, or elsewhere on the face or neck. Petechiae are caused when the jugular vein is blocked by pressure and capillaries (tiny blood vessels) burst. This same phenomenon can also occur in the brain of strangulation victims and it is extremely important to document its presence.
- II. Non-Visible Injuries (Symptoms): This evidence can be critical to the case, as visible injuries are often not present in cases of actual strangulation. It is important to ask victims about how they felt during and after the incident, as well as during the current interview. Since experiences may change with time, some victims may experience symptoms later.

Strangulation injuries are frequently not visible. Domestic Violence professionals must investigate further to gather evidence related to strangulation.

- III. Suspect Characteristics: It is important to ask the victim to describe characteristics about the suspect during the assault. Questions can include:
- A. In what direction did the suspect look during the assault?
 - B. What did the suspect look like while strangling you?
 - C. Did the suspect threaten to hurt or harm you during the assault?
 - D. What did the suspect say before, during, and after the assault?

VICTIM NAME (Last, First, Middle)	DATE OF BIRTH	M <input type="checkbox"/>	F <input type="checkbox"/>	CASE #
SUSPECT NAME (Last, First, Middle)	DATE OF BIRTH	M <input type="checkbox"/>	F <input type="checkbox"/>	

STRANGULATION EVENT QUESTIONS

(Audio/BWV record the victim's response to all of the following)

- What did suspect use to strangle you? Left Hand Right Hand Two Hands Forearm Knee/Foot
 Other Object(s): _____
 Describe manner/method in detail in narrative.
- Estimate how long strangulation lasted: _____ Minute(s) _____ Second(s) Multiple Times: Yes # _____ No
- Estimate the amount of force suspect used to strangle:
 (1 = weak, 10 = very strong): 1 2 3 4 5 6 7 8 9 10
- Describe suspect's emotional demeanor while strangling you: _____
- Describe the suspect's face/expression during strangulation: _____
- What did suspect say while strangling you? _____
- What else did suspect do while strangling you? _____
- Were you able to speak during the strangulation? Yes No If yes, what did you say? _____
- Did you do anything to attempt to physically stop the strangulation? Yes No Describe: _____
- What made the suspect stop? _____
- What did you think during the strangulation? _____
- Has suspect strangled you on other occasions? Yes No If yes, # of occasions: _____
- When/Where: _____
- If you are having trouble remembering, what do you remember about what happened?
 (Describe detail in narrative) _____

SYMPTOMS EXPERIENCED BY VICTIM (CHECK ALL THAT APPLY)

SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER
Vision Changes: Tunnel	<input type="checkbox"/>	<input type="checkbox"/>	Coughing Blood	<input type="checkbox"/>	<input type="checkbox"/>	Hoarse Voice	<input type="checkbox"/>	<input type="checkbox"/>
Vision Changes: Spots	<input type="checkbox"/>	<input type="checkbox"/>	Nausea	<input type="checkbox"/>	<input type="checkbox"/>	Loss of Voice	<input type="checkbox"/>	<input type="checkbox"/>
Hearing Loss/Changes	<input type="checkbox"/>	<input type="checkbox"/>	Vomit/Dry Heaving	<input type="checkbox"/>	<input type="checkbox"/>	Whisper Voice	<input type="checkbox"/>	<input type="checkbox"/>
Loss of Consciousness	<input type="checkbox"/>	<input type="checkbox"/>	Dizziness	<input type="checkbox"/>	<input type="checkbox"/>	Neck Pain/Tender	<input type="checkbox"/>	<input type="checkbox"/>
Unable to Breathe	<input type="checkbox"/>	<input type="checkbox"/>	Headache	<input type="checkbox"/>	<input type="checkbox"/>	Trouble Swallowing	<input type="checkbox"/>	<input type="checkbox"/>
Difficulty Breathe	<input type="checkbox"/>	<input type="checkbox"/>	Feel Faint	<input type="checkbox"/>	<input type="checkbox"/>	Pain Swallowing	<input type="checkbox"/>	<input type="checkbox"/>
Rapid Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Disorientation	<input type="checkbox"/>	<input type="checkbox"/>	Sore Throat	<input type="checkbox"/>	<input type="checkbox"/>
Pain While Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Memory Loss	<input type="checkbox"/>	<input type="checkbox"/>	Urinate	<input type="checkbox"/>	<input type="checkbox"/>
Shallow Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Painful to Speak	<input type="checkbox"/>	<input type="checkbox"/>	Defecate	<input type="checkbox"/>	<input type="checkbox"/>
Coughing	<input type="checkbox"/>	<input type="checkbox"/>	Raspy Voice	<input type="checkbox"/>	<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>

REPORTING OFFICER'S NAME & ID NUMBER:	DATE AND TIME:	APPROVED BY:

OFFICER OBSERVED INJURIES (CHECK ALL THAT APPLY)			
FACE	EYES	NOSE	MOUTH
<input type="checkbox"/> Skin Red/Flushed <input type="checkbox"/> Red Spots (e.g. petechiae) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Swelling <input type="checkbox"/> Bruising	<input type="checkbox"/> Red Eye <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Red Spots in Eye <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Red Spots on Eyelid <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Blood in Eyeball <input type="checkbox"/> Eyelid(s) drooping	<input type="checkbox"/> Redness <input type="checkbox"/> Red spots (i.e. petechiae) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Swelling <input type="checkbox"/> Bleeding	<input type="checkbox"/> Swollen Lips <input type="checkbox"/> Swollen Tongue <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Red Spots in Palate or Gums
EARS	UNDER CHIN	NECK	SHOULDERS
<input type="checkbox"/> Redness <input type="checkbox"/> Red spots (i.e. petechiae) <input type="checkbox"/> Bleeding <input type="checkbox"/> Bruising or Discoloration <input type="checkbox"/> Swelling <input type="checkbox"/> Red Spots Behind Ear(s) <input type="checkbox"/> Bruising Behind Ear(s)	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Other:	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Ligature Marks <input type="checkbox"/> Red Spots (e.g. petechiae) <input type="checkbox"/> Swelling	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Other:
HANDS, FINGERS, ARMS	HEAD	CHEST	OTHER
<input type="checkbox"/> Redness <input type="checkbox"/> Bruising <input type="checkbox"/> Swelling <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Broken Fingernails	<input type="checkbox"/> Lumps/Bumps <input type="checkbox"/> Lacerations <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Hair missing <input type="checkbox"/> Red Spots on Scalp (e.g. petechiae)	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks)	Describe _____ _____ _____ _____

OFFICER CHECKLIST

- Photograph all injuries, scene and physical evidence.
- Audio and/or Body Worn Video recording of all statements from victim, suspect, children and witnesses.
- If strangulation was done using an object, photograph and collect the object.
- Document where all evidence items were found.
- Determine if jewelry was worn by either party during the incident. If so, photograph it and, when feasible, look for pattern injuries.
- If defecation or urination in clothing, collect the clothing as evidence.
- If victim vomited, take photos of the vomit.
- Contact Supervisor and consider contacting duty detective.
- Take photographs of BOTH parties to document injuries and/or lack of injuries. Include hands, arms, face, chest, neck and all other areas the parties claim injury or physical contact occurred.
- Obtain signed Authorization for Medical Records Release from victim (and suspect if applicable).
- Insure the canvas for both eye and ear witnesses is completed and all contact information documented.
- Obtain evidence from hospital, if available, or follow-up to retrieve.

REPORTING OFFICER'S NAME & ID NUMBER:	DATE AND TIME:	APPROVED BY:

Addendum C – Common Charges

Domestic Violence incidents may result in a violation of one or more of the following sections of the Penal Code:

136.1	Intimidating or dissuading a witness (Felony if by force, threat, or conspiracy)
148	Resisting arrest by interfering with lawful duties of a peace officer
166(a)(4)	Disobedience of any court order
166(c)(1)	Disobedience of restraining order (misdemeanor)
166(c)(4)	Second conviction (felony)
187	Murder
664/187	Attempted murder
207	Kidnapping
236	False Imprisonment
240	Assault
242	Battery
243(d)	Battery with serious bodily injury (felony)
243(e)(1)	Domestic battery (injury not required)
245	Assault with a deadly weapon, firearm, or force likely to cause GBI
246	Shooting at an inhabited dwelling
246.3	Negligent discharge of a firearm
262	Spousal rape
273.5(a)	Corporal injury to spouse/cohabitant
273.6	Domestic violence restraining order violation
273.6(d)	Domestic violence restraining order violation with threat
273a(a)	Child abuse (felony)
273a(b)	Child abuse (physical or emotional- misdemeanor)

368	Elder abuse
417(a)	Brandishing a weapon
418	Forcible entry into the home of another
422	Criminal threats
459	Residential burglary
591	Malicious destruction of electronic device (phone)
594	Vandalism
602.5	Trespassing
603	Forcible entry with damage to property
646.9	Stalking
653m	Annoying phone calls
12022	Possession of a deadly weapon
29800(a)(1)	Possession of a firearm by convicted felon
29825(b)	Possession of a firearm while subject to a restraining order
29805	Possession of a firearm within ten years of specified misdemeanor conviction (includes domestic violence offenses)
27500(b)	Supplying, delivering, selling, giving possession or control of firearm to prohibited person pursuant to Penal Code 12021 or 12021.1

Addendum D – Safe Harbor Multidisciplinary Centers

SAFE HARBOR EAST

2639 Avenida Simi
Simi Valley, California 93065

Business Hours Activation Line: 805-579-6912
After Hours Activation – Answer Net: 800-289-9858
Program Coordinator Jacquie Richardson Cell (24/7) 805-551-3449
District Attorney Safe Harbor Victim Advocate 805-494-8257

SAFE HARBOR WEST

2982 Martha Drive
Ventura, California 93003

Business Hours Activation Line: 805-641-4430
After Hours Activation - Answer Net: 800-289-9858
Program Coordinator Susan Becker Cell (24/7) 805-947-8158
District Attorney Safe Harbor Victim Advocate 805-647-4427

Addendum E – Domestic Violence Resources

National Domestic Violence Hotline 1-800-799-SAFE (7233)

Domestic Violence Services, Shelters & Restraining Order Assistance

District Attorney’s Office Crime Victim Assistance Unit.....805-654-3622

Coalition for Family Harmony (24-Hour Hotline and Shelter)800-300-2181

Interface Child and Family Services (24-Hour Hotline and Shelter)800-636-6738

Other Services

Children’s Intensive Response Team (for suicidal/violent children, teens) ...866-431-2478

Child Protective Services805-654-3200

211 Ventura County (24-hour hotline referral services)..... **dial 2-1-1 or 800-339-9597**

Ventura County Behavioral Health
(available 24/7 for people in crisis or seeking help).....866-998-2243

Children’s Resources

Interface Child and Family Services (Youth Crisis Outreach Line).....805-469-5882

CASA (Court Appointed Special Advocates).....805-389-3120

City Impact (Outreach and support for at risk youth).....805-983-3636

121 Help.me (North American Alliance of Child Helplines).....855-201-2121

California Youth Crisis Line (Statewide help line)800-843-5200

All resources are available in Spanish

Translation Services

Mixteco Indigena Community Organizing Project (MICOP)
(Spanish and Mixteco Translation).....805-483-1166

<http://www.counts.ca.gov/3796.htm>

(Provides contact information for Court interpreters in all languages)

Addendum F – Protective Orders

Different types of protective orders are issued by Ventura County courts and victims may obtain multiple orders. The most restrictive order prevails, with an emergency protective order (EPO) superseding all other orders. (Pen. Code, §136.2(c)(1)(B)(2)) The conduct of the parties cannot modify a restraining order. (Pen. Code, §13710(b)) Only a judge can modify an order.

An order may require “No contact” or may be limited to “No force or violence.” No force or violence restraining orders permit a restrained person to have contact with a protected person, however, they are not allowed to: harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected party.

Each order is issued with a unique case number. The following is a guide of sample court case numbers for the corresponding type of protective order:

Type of Order	Sample Court Order Case Number
Emergency Protective Order	Agency DR# (ex: 17-00210)
Civil Harassment Restraining Order	CH - 56-2017-00452989-CU-HR-VTA
Elder Abuse Restraining Order	EA -26-2017-23896214-CU-PT-VTA
Criminal Protective Order	CPO #71350
Civil Domestic Violence Restraining Order	D191856 (filed in Ventura courthouse) Or SD 191856 (filed in Simi courthouse)
Dependency Restraining Order	D542456
Juvenile Court Order	J123621
Gun Violence Restraining Order	2017-00494147

Addendum G – Military Contacts and Resources

Domestic violence, sexual assault, and child abuse have a negative impact upon military readiness, effectiveness, good order, and discipline. In order to address these concerns, the U.S. Department of Defense has developed policies and procedures and mandated the creation of various investigative and support services. Accordingly, properly responding to these incidents is a leadership issue.

THE NAVY FAMILY ADVOCACY PROGRAM (FAP)

The Navy Family Advocacy Program (FAP) assists with, and responds to, all allegations of domestic abuse and child abuse. Naval victim advocates assist victims with resources and referrals to help them maintain safety in or out of an abusive relationship. The Navy may intervene with immediate safety needs by issuing a **Military Protective Order** that instructs the service member to stay away from the alleged victim. This is recognized by the Navy only. A civilian protective order is necessary for law enforcement protection.

THE NAVAL BASE VENTURA COUNTY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM (SAPR)

The Naval Base Ventura County provides 24/7 crisis response to victims of sexual assault, including active duty military, military dependents over the age of 18, and reservists. The SAPR program offers a variety of resources, including 24/7 on-call advocates, a victim's legal counsel, safety assessment and planning, and other forms of assistance. SAPR victim advocates provide immediate crisis response and continued support throughout the entire process. They can accompany victims to all law enforcement, legal, and medical appointments and facilitate connecting victims with various military and civilian supportive resources.

CONTACTS FOR NAVAL BASE VENTURA COUNTY

Naval Base Ventura County serves both Point Mugu and Port Hueneme. The following services are available for active duty military personnel, reservists, and military dependents:

Counseling and Advocacy Program
(Family Advocacy, Domestic Abuse and Child Abuse)
805-982-5330

Domestic Abuse Victim Advocates
805-982-3788 Office
805-202-6543 24/7 Duty Cell
805-509-5319 24/7 Duty Cell

Sexual Assault Response Coordinator
(Sexual assault involving service members or their dependents over 18)
805-982-6139 Office
805-207-5309 24/7 Duty Cell

Sexual Assault Victim Advocacy Support Specialist
805-746-1538 24/7 Duty Cell

Sexual Assault Safe Helpline
(Department of Defense, confidential and anonymous)
877- 995-5247

Force Protection (Base Police)
805-982-4591

Naval Criminal Investigative Services (NCIS)
805-982-4524

Fleet & Family Support Center
1000 23rd Avenue, Bldg 1169
Port Hueneme, CA 93043
805-982-5037

Fleet & Family Support Center
Point Mugu North Mugu Road
Bldg 225 Point Mugu, CA 93043
805-989-8146

SWAT Manual Final April 2017 (3).pdf

SPECIAL WEAPONS AND TACTICS TEAM



POLICY AND PROCEDURE

MANUAL

April 2017

SIMI VALLEY POLICE DEPARTMENT
SPECIAL WEAPONS AND TACTICS TEAM
OPERATIONS MANUAL

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IV. APPENDIXES

- A. Barricaded Suspect Checklist
- B. Physical Fitness Standards
- C. Tactical Operations Plan
- D. Command Post Security Officer Assignment Instructions
- E. Tactical Dispatcher/Scribe Assignment Instructions
- F. Command Post Log
- G. Suspect Information Sheet
- H. Personnel Assignment Log
- I. Situation Status Officer Assignment Instructions
- J. Media Liaison Officer Assignment Instructions
- K. Incident Log
- L. Evacuation Log
- M. County of Ventura Health Care Agency's Policy 300 – EMT-1
Scope of Practice

MISSION STATEMENT

The Simi Valley Police Department's Special Weapons and Tactics (SWAT) Team provides a group of trained, sworn personnel to be utilized in those incidents where disciplined teamwork, specialized weapons and advanced tactical skills are required to resolve law enforcement incidents that are high risk in nature or any incident that exceeds the capabilities or equipment of Department Personnel.

CONCEPT - The concept of this unit is to provide an organized, structured response to high-risk situations in order to minimize, whenever possible, the danger to officers and the public.

PURPOSE - The purpose of the Team is to provide the Department with a properly trained and equipped team capable of rapidly responding to a critical incident, with the goal of effectively resolving the incident.

PURPOSE OF SWAT

The SWAT Team is a unit of sworn personnel who are highly trained in the special tactics and weaponry that are necessary to resolve high-risk situations that are beyond the abilities or equipment needs of other Department personnel. The emphasis of the SWAT Team is teamwork, controlled discipline, and employing tactics to ensure the safety of all parties involved.

OPERATIONS

The Simi Valley Police Department has organized a special unit of officers to respond to high-risk incidents. This unit is called the Simi Valley Police Department Special Weapons and Tactics (SWAT) Team.

CHAIN OF COMMAND: Administratively, SWAT reports to the Investigative Services Division Deputy Chief. Operationally, SWAT can report to and be assigned missions from the Operations Division Watch Commander or any Sworn Unit Manager assigned as an Incident Commander.

OFFICER IN CHARGE: SWAT has a Commander in charge of all aspects of the unit.

DUTIES: Officers assigned to the unit have other primary duties within the Department and their SWAT duties are ancillary.

ACTIVATION: Authority to activate SWAT for high-risk incidents rests with the Watch Commander or other Unit Manager responsible for a specific mission.

TEAM PHILOSOPHY

It is the philosophy of the SWAT Team to perform its assignments in a professional manner that protects the public while restoring peace and tranquility to the affected area.

POLICY AND PROCEDURE: The Team will respond to incidents consistent with Department policy and procedure.

DIRECTION: When deployed, the SWAT Team is directed by the SWAT Commander. In accordance with Department Policy, the Watch Commander or assigned Incident Commander will assign the SWAT Team or Unit its mission(s). The SWAT Commander controls the tactics and strategy employed to accomplish that mission. The Incident Commander retains the overall authority over a given incident, but specific tactics and strategies related to the use of SWAT remain the ultimate responsibility of the SWAT Commander.

INCIDENT CONTROL

FIELD LOCATION CONTROL

The initial response to a situation is the responsibility of on-duty field personnel and the on-duty supervisor.

After the SWAT Team arrives at the scene, SWAT will establish an inner perimeter and accept responsibility for applying necessary tactics. As soon as practical, Patrol or Detective Unit personnel will be relieved by SWAT to return to their duties or assist with other tasks.

STAFF CONSIDERATIONS

SWAT STAFF

The SWAT staff consists of the Commander, Team Leaders, and Assistant Team Leaders and CNT Supervisors.

RESPONSIBILITIES

CHAIN OF COMMAND: At the scene of a SWAT operation, the SWAT Commander is responsible for the overall team activity and the accomplishment of the mission as assigned by the Incident Commander. Should the SWAT Commander be unavailable, the back-up SWAT Commander will have authority.

TEAM LEADERS: The Team Leaders are responsible for implementing the tactical plan and the control and coordination of the individual team members. Upon termination of the operation, the Team Leaders are responsible for the team debriefing and responding to inquiries of Department command and other concerned personnel, i.e., Chief of Police, Deputy Chiefs, etc.

ASSISTANT TEAM LEADERS: In the absence of a Team Leader, the Assistant Team Leader may be utilized to fulfill the Team Leader responsibilities.

COMMAND RESPONSIBILITIES

Although activation of SWAT may be accomplished by any Unit Manager, normally activation will be initiated by the Watch Commander. The Watch Commander is ultimately responsible for the decision to activate SWAT. The Investigative Services Deputy Chief and the Chief of Police shall be notified upon activation. Request for activation of SWAT shall be made to the Team Commander, or if unavailable, a Team Leader. Time permitting, consultation with the Team Commander prior to activation is recommended. Normally, the requesting supervisor or manager will use the EVERBRIDGE system to activate the team. The Watch Commander or their designee will keep a record of each team member that acknowledges response.

ON-DUTY MEMBERS: As deployment allows, SWAT personnel working in the field are called into the station; however, they may be deployed directly to the incident.

REQUIRED INFORMATION: Upon receiving a request for SWAT, the Watch Commander or a designee will complete a barricaded suspect checklist (Appendix A). The checklist is given to the SWAT Commander upon the SWAT Team's arrival at the scene.

COMMAND AND CONTROL: Once SWAT personnel arrive at the scene and are briefed, the SWAT Commander coordinates the accomplishment of the mission assigned to SWAT by the Incident Commander. All SWAT personnel at the scene remain under the control of the SWAT Commander. The Incident Commander, unless relieved by higher authority, remains in control of the entire operation and uses SWAT as a tactical unit to help resolve the situation.

DIRECTION OF PERSONNEL: The SWAT Commander is responsible for the direction of SWAT personnel during the application of all SWAT tactics and strategies.

OPERATIONS: SWAT operates under the direction of the Incident Commander and within Department guidelines.

SEARCH WARRANTS: the SWAT Commander and/or Team Leaders shall review all **High-Risk** search warrants to be served by SWAT, and any other warrant service Operational Plan authored by any other unit in the Department. The Case Agent or investigating officer will complete a Simi Valley Police Department Search Warrant Checklist on all search warrants to determine the level of risk and is strongly encouraged to notify the SWAT Commander in advance of the planned service. Final discretion to use SWAT for a particular search warrant service rests with the SWAT Commander. A copy of the completed checklist will be attached to each operation plan regardless of whether or not SWAT was used to serve the warrant. (See page 10)

Simi Valley Police Department High Risk Entry Checklist

Items 1-5 (Check mark "Yes" to 1 or more of the criteria listed below, SWAT should be contacted)	YES	NO	EXPLAIN
1. Is the location fortified? (i.e. sally ports, internal fortifications, multiple gates, steel doors etc.)			
2. Firearms believed to be on premises and suspect(s) have made threats to use them?			
3. Automatic weapons, explosives or military ordinance on the premises?			
4. Suspect(s) have history of felonious assault on Peace Officer involving weapons?			
5. Based upon specific articulable facts , is there a likelihood of violent/armed confrontation?			
Items 6- 11 (Check mark "Yes" to 2 or more of the criteria listed below, SWAT should be contacted)	YES	NO	EXPLAIN
6. Sophisticated counter surveillance? (CCTV, intrusion devices, etc.)			
7. Are the suspect(s) 3 strikes candidates involving violence?			
8. Do suspect(s) have propensity for violence?			
9. Security screens on doors and/or windows?			
10. Have specific threats of violence been made against Peace Officers?			
11. Suspect is a member of a gang, criminal organization or militant group.			

When preparing an operational plan, this checklist shall be incorporated into the plan and used to evaluate the need for assistance from the Special Weapons Team. Any number of circumstances may dictate that a Special Weapons Team be used. Officers and supervisors are encouraged to contact a Special Weapons Team supervisor whenever questions arise concerning the evaluation of the above listed criteria.

Special Weapons Team contacted? ___Yes ___No Date/Time _____

*If not, explain briefly: _____

Prepared by: _____

Date: _____

Reviewed by: _____

Date: _____

TEAM COMPOSITION

Overview

The SWAT Team consists of a SWAT Commander, two (2) Team Leaders, two (2) Assistant Team Leaders, and sixteen (16) Operators.

FLEXIBILITY: Team Leaders and Assistant Team Leaders are interchangeable as circumstances dictate.

ORGANIZATIONAL CHART

SWAT COMMANDER – Commander

BLACK TEAM	SILVER TEAM
1 Team Leader	1 Team Leader
1 Assistant Team Leader	1 Assistant Team Leader
2 Breaching Trained Operators	2 Breaching Trained Operators
2 Chemical Agent Trained Operators	2 Chemical Agent Trained Operators
2 Sniper Trained Operators	2 Sniper Trained Operators
2 Additional Operators	2 Additional Operators

SWAT COMMANDER

The SWAT Commander is a Police Commander, responsible for the overall goals and functions of the team. The SWAT Commander works with the Team Leaders to coordinate regular training and qualifications of team members, instills discipline and team spirit, oversees the proper selection of personnel, approves all tactics and operational orders, critiques and analyzes all operations, and directly controls all operations at the scene of a qualifying incident. The SWAT Commander or his designees are also responsible for maintaining the SWAT training records.

TEAM LEADERS

A Sergeant is designated as the Overall Team Leader of the SWAT Team. The Team Leader is responsible for overall supervision of the entire SWAT Team. The Team Leaders are responsible for the direction and function of their team at the scene of a SWAT response. All Sergeants will be trained and prepared to assume the position of

Team Leader. In the event that no Sergeant is available, the Team Commander may appoint an Assistant Team Leader as Team Leader.

TACTICAL PLANNING: A SWAT Team Leader, in conjunction with the Assistant Team Leaders, develops and implements tactical plans for accomplishing the SWAT mission. The SWAT Commander or Team Leader (Sergeant) is responsible for approving all tactical plans and retains the right to limit, modify, or reject a plan prior to its implementation.

TRAINING: As members of the SWAT staff, the Team Leaders assist in the administrative control, planning and implementation of the team training program.

COMMAND: In the absence of the SWAT Commander, a Team Leader may perform as the SWAT Commander.

TEAM MEMBER

A member of the SWAT Team is selected from Department personnel by the SWAT staff. All Team Members will comply and be responsible for following the directives of this manual.

COMPENSATION: All Team Members are compensated for mandatory training and call-outs in accordance with current MOU guidelines.

TRAINING COORDINATORS

The SWAT Team Leaders are responsible for coordinating training evolutions for the Team. The Team Leaders will work with SWAT Rangemasters on the team and other Team Members with specialized training, in order to facilitate practical training. The objective of training is to ensure that all personnel meet the core competency requirements for the position that they are assigned to.

RESPONSIBILITIES:

A SWAT Team leader will be assigned to direct training activities for the day. The duties of this assignment will include:

- Maintain a yearly training schedule. Make all members aware of the schedule by quarter. Ensure each Team Leader is aware of their assigned month in each quarter.
- Arrange and implement all tactical training days.
- Distribute relevant training material. Maintain any training material researched and used by training Facilitators for each bi-monthly training.

RESPONSIBILITIES:

In conjunction with the SWAT Team Leaders, the SWAT Rangemaster will:

- Maintain a yearly training schedule.
- Arrange and implement all firearms training days. At the direction of the assigned Team Leader.
- Ensure SWAT Firearms training records are complete and are forwarded to the Professional Standards Sergeant.`
- Distribute relevant training material.
- Set and maintain monthly firearms qualifications courses.

TEAM MEMBER SELECTION CRITERIA

A position as a Team Member on SWAT is open to all Department Officers that are off probation.

REQUIREMENTS: Applicants shall be chosen on the basis of job performance, temperament, ability to accept direction, ability to perform within a structured team environment, ability to perform under stress, judgment, physical condition, desire, and the ability to work with team members. Primary assignment evaluations will be considered as part of the selection process.

SELECTION: Interested officers are to submit a Memorandum of Interest to the SWAT Commander. A candidate must successfully pass the following:

- Physical Fitness Qualification
- Firearms Qualification
- Oral Interview
- Approval of the Chief of Police
- Successful Completion of a Basic SWAT Course
- One year probation period

Input from existing team members regarding the candidate's fitness for the position will be solicited and considered by the SWAT Commander, but final approval of selection remains the responsibility of the Department's Command Staff. Existing Team Members shall not rank the candidates in order of preference, only provide input to the SWAT Commander.

Once selected to join the Team, new Team Members are subject to a one (1) year probationary period.

UNIFORM STANDARDS

UNIFORM

The Simi Valley Police Department utilizes the olive drab tactical uniform for all SWAT training and deployments. The use of the olive drab color scheme for SWAT is based upon the variety of terrain and foliage features most likely to be encountered by SWAT officers in the City of Simi Valley. The city is geographically situated in a coastal valley between the Santa Susanna and Santa Monica mountain ranges; it primarily consists of single-family dwellings and small businesses. The city is heavily landscaped on both public and private land with green grass and foliage. It is also surrounded by rural terrain consisting of coastal scrub and chaparral vegetation. Because of the variety of terrain and landscaping found in the city, olive drab affords SWAT personnel the most versatile uniform for camouflage and concealment during the execution of their specialized duties. SWAT personnel assigned to marksman positions can also employ a "ghillie" suit, or other suitable pattern of camouflage, which allows them to completely blend in with surrounding terrain. Concealment of marksman positions is critical for officers to safely gather intelligence and provide immediate protection to members of the public as well as police personnel.

The authorized SWAT uniform is worn during training and at each incident. It consists of:

FATIGUES: Designated shirt and pants with identifying marking as follows:

- Approved Department sew-on badge over left pocket.
- Nametag sewn over right shirt pocket.
- Nametag sewn over right rear trouser pocket.
- Approved shoulder patch.

T-SHIRT:

- SWAT issue olive drab T-shirt for training and call-outs.

HEADGEAR: Four (4) types of headgear are authorized:

- Baseball cap with Simi Valley Police SWAT insignia on the front.
- Nomex fire retardant hood.
- Olive drab colored Ballistic helmet.

- Bush hat, green.
- Green knit watch cap.

FOOTWEAR: Authorized Footwear:

- Boots, military style, full leather or nylon upper, Coyote Brown in color.

RAIN GEAR: Two (2) types of rain gear are authorized:

- Poncho, green.
- Two-piece, green or camo.

SWAT PINS: SWAT pins are authorized for wear, by active SWAT Team Members, on Department uniforms.

- SWAT pins shall be affixed to the uniform above the left breast pocket below the Department issued badge. If the SWAT officer has also received the meritorious service award, which is affixed to the same location on the uniform, the SWAT pin must be worn on the right breast pocket in accordance with Department policy for wearing uniform pins/medals.
- Black Pins – Must be a current member of the SWAT Team and have completed one (1) year of Team service. The Team member must have completed Basic SWAT School, passed the SWAT physical fitness course, qualified on all required Team weapons, and must have been awarded and maintained “Expert” status with duty handgun per SVPD pistol marksmanship course 9G.O. Section 5.03)

TRAINING SESSIONS

Team meetings and training sessions are scheduled twice per month and attendance is mandatory.

NOTIFICATION: A Team Member who is unable to attend scheduled training will notify and be excused by a Team Leader or the SWAT Commander. Team members planning vacations or extended periods of absence will make notification to the SWAT Commander of when they will be unavailable and the anticipated date of their return.

WEAPONS QUALIFICATIONS AND TRAINING

Policy

The SWAT Team provides all team and individual weapons as well as any ammunition required to fulfill the needs of any function within the responsibility of the SWAT Team. All weapons and ammunition shall conform to Department policy and be subject to approval by the SWAT Commander.

Weapons Qualification

The following qualification guidelines are established for each SWAT Team Member:

QUALIFICATIONS: Team Leaders are responsible for assuring that team members qualify at each monthly SWAT range with their SWAT weapons. The Team Leader reports this fact in writing to the SWAT Commander. Exceptions may be made by the SWAT Commander for excused absences from training (i.e.: illness, vacation, court, etc.). In such cases, qualification must be accomplished at the next SWAT firearms training day.

A SWAT Rangemaster is responsible for ensuring that the monthly SWAT firearms qualification records are submitted to the Training Sergeant in Auxiliary Services so that they can be counted toward the Department firearms qualification requirements.

DEPARTMENTAL REQUIREMENTS: Each team member is required to meet all Departmental qualification requirements as listed in Lexipol #306.10.

RANGEMASTERS: The required SWAT firearms qualification course is determined and maintained by SWAT Rangemasters. All SWAT qualification records are maintained in a training file. SWAT Team Rangemasters will work with Team Leaders to ensure that shooting drills and scenarios are designed to train members of the team to meet the unique core competencies expected of SWAT personnel.

DEPLOYMENT OF WEAPONS: Team members are authorized and encouraged to carry assigned SWAT weapons while on duty. They may be deployed at the discretion of the team member in any situation that would justify the deployment of the firearm.

PHYSICAL FITNESS

The following guidelines establish the SWAT physical fitness standards and have been approved by City of Simi Valley Risk Management and Workers Compensation Staff:

QUALIFICATION: Each team member is required to successfully pass a physical fitness test twice per year. Failure to qualify is a basis for removal from the team. Appendix B describes the physical fitness test and passing standard. Team members who fail to pass the initial physical fitness test may remediate and retest within the next thirty days. Should a team member fail to pass the second test, that team member will be removed from the team.

In the event a SWAT team member is unable to participate in the physical fitness process due to an illness or injury, the following conditions shall be met. The team member must complete the testing process within 30 days of their return to full duty status. If the team member has been light duty or off duty for over 90 days, and unable perform regular physical conditioning, the member will have 90 days from their release to full duty date to complete the testing process. After returning to full duty status and successfully completing the testing process, the team member will be required to complete the regularly scheduled, bi-annual team testing procedure.

It is intended that SWAT Team members who return to work following an extended illness or injury be given this additional ninety-day period to prepare for, and complete the SWAT physical fitness standards.

OFF-DUTY PHYSICAL FITNESS TRAINING:

- The Police Department recognizes that a high level of physical fitness is required to be selected and assigned to SWAT. To ensure the minimum level of physical fitness for all officers assigned to SWAT, a physical fitness test is administered by the Department twice per year.
- Although off-duty exercise is not required, the Police Department recognizes that an ongoing off-duty exercise program is needed in order to maintain the fitness level required for assignment to SWAT and for successful completion of required physical fitness training.
- Ordinarily, all off-duty activities are exempt from Worker's Compensation coverage. However, in order to encourage SWAT officers to maintain both aerobic fitness and strength conditioning, SWAT officers are approved for coverage while performing off-duty aerobic, strength and conditioning activities.
- This policy specifically excludes coverage for any off-duty competition related activities.

- Competitive, organized and/or contact sporting activities are specifically prohibited and excluded from coverage under Workers' Compensation. (i.e. Baker to Vegas, Iron Man competition, football, baseball, softball, basketball, races, triathlons).

DOCUMENTATION – OPERATIONS

All SWAT operations will be properly documented and shall include the following items:

1. All tactical operations plans (Appendix C)
2. All supporting documents such as diagrams, search warrants, and witness statements, which are used for the purposes of SWAT operations.
3. A barricaded suspect or search warrant check-list (Appendix D).
 - A. The SWAT Team Commander will ensure that all intelligence and supporting evidence used to justify the use of SWAT has been independently verified and confirmed by the Team Leader responsible for preparing an operations plan.
4. A Team Leader or ATL involved in the incident shall complete an after action report specific to SWAT's role in a given incident as soon as practical. The after action report should include the following:
 - A. Nature of the call-out
 - B. Type of tactics employed
 - C. Effectiveness of tactics
 - D. Effectiveness of specific equipment such as chemical agents, distraction devices, or any specialized tools used during the operation.
 - E. Lessons learned or training points, which may be incorporated into future operations and training.

MEDIA RELATIONS

It is the policy of the Department that SWAT related media contacts or press releases are first approved by the SWAT Commander or designated Department Press Information Officer.

PUBLICITY: Undue publicity or media contacts should be avoided.

COMMUNICATIONS: Individual Team Members should not communicate with the press without prior approval of the SWAT Commander.

MUTUAL AID

Requests by Other Agencies

The SWAT Team's primary response is to the City of Simi Valley; however, it is available to respond to requests for assistance from other law enforcement or governmental agencies.

POLICY: It is the policy of the Department to assist other agencies in time of need.

- Each request must be approved by the Chief of Police or Sheriff of the requesting agency.
- The Simi Valley Police Department's Investigative Services Division Deputy Chief and ultimately the Chief of Police must also approve the request.
- Requesting agencies are advised that requests are categorized as either primary or secondary assistance.

PRIMARY ASSISTANCE: The Simi Valley SWAT Team has total responsibility for the tactical handling of the incident. The primary containment zone is controlled by this Department only.

- The Simi Valley Police Department SWAT Commander will consult with the requesting agency's Incident Commander. If agreement regarding tactics is not reached, the Department SWAT Team will not assist and the Team Commander will immediately notify Department Command Staff.

SECONDARY ASSISTANCE: Secondary assistance denotes that the SWAT Team will assume a support role to the requesting agency's tactical team. The requesting agency will retain complete operational responsibility and control of the incident. The SWAT Commander or Team Leader will respond to the scene of the incident and coordinate with and accept assignments from the Incident Commander of the requesting agency. Normally the integrity of the SWAT Team will remain intact and under the direct supervision of the SWAT Commander.

USE OF FORCE POLICY – SWAT

SWAT Officers' use of force is governed by State law and Simi Valley Police Lexipol police #300.

EQUIPMENT INVENTORY

It is the policy of the SWAT Team to conduct an annual inventory of equipment maintained by the team. The purpose of this inventory is to insure proper custody and functionality of all equipment. The inventory will include, but not be limited to, all firearms, shields, gas equipment, breaching tools, ladders, and any other equipment necessary for SWAT Team activation.

The inventory will be performed once during each 12-month period, preferably in the month of June. Any equipment that cannot be accounted for will be brought to the attention of the Team Member it is assigned to in an attempt to locate the equipment. If the assigned Team Member is uncertain of the equipment's whereabouts, all Team members will be notified. Any equipment unaccounted for, will be brought to the attention of the SWAT Commander for further instruction.

It is the responsibility of the assigned Team Member to note on the equipment inventory form any functionality problems with issued equipment. A SWAT Team Leader will determine whether the equipment will be repaired or replaced.

HIGH RISK – DEFINED

“High Risk” Defined

“High Risk” includes those incidents where officers face potential danger such as:

- Armed and dangerous subject(s).
- Barricaded subject(s).
- Hostage situation.
- Major crowd and riot control situations.
- Executive protection and dignitary protection of V.I.P.’s.
- Any other situation, which by its nature may result in a hostile confrontation with officers; i.e., execution of arrest or search warrants where the probability of fortified locations or violent responses exist (Refer to the Department’s High Risk Warrant Service Checklist).

BARRICADE SUSPECT INCIDENTS

Barricaded Suspect Defined

Any person believed to be armed with a weapon, explosives, or other destructive or dangerous devices, who occupies and/or fortifies a fixed location or vehicle and violently or by threat of violence resists apprehension efforts by law enforcement officers.

Barricaded Suspect Policy

When a suspect is barricaded and does not hold a hostage, it is the policy of SWAT to resolve the incident, in a manner consistent with the threat and in consideration of the safety of personnel and bystanders.

CONSIDERATIONS: A number of variables should be considered when confronted with the above situations, including:

- Has the suspect actually committed a crime and what type of crime was committed.
- Stated objectives and motivations of the suspect and his/her threat to public welfare.
- Will a search or arrest warrant be necessary if an entry is required.
- Type of location and mental state of the suspect.

CONTROL: Critical to the success in attaining an identified objective is strong command and control, flexibility and restraint. All personnel must recognize that direct, hasty action against the suspect is ill advised and potentially dangerous.

DISCIPLINE: Individual firearm discipline is absolutely necessary.

TIME: Time is generally a benefit and should be used to our advantage.

FOURTH AMMENDMENT CONSIDERATIONS: Absent exigent circumstances, the possibility of obtaining a search or arrest warrant for the suspect must be carefully considered. A warrantless entry into a home is considered by the court to be inherently unreasonable unless articulable exigencies exist. Exigent circumstances must be immediate and present a danger to the lives of others. Absent a warrant or other legal standing to make an entry, the Incident Commander and SWAT Commander should consider other options to resolving the incident.

HOSTAGE INCIDENTS

Hostage Defined

Any person seized or kidnapped by another, where the suspect threatens the life of, or threatens great bodily injury to the person held, with the intent to evade arrest, escape, obtain the release of persons in custody, obtain money or property, or attain any other objective.

Hostage Policy

In every situation involving hostages, it is the policy of the SWAT Team that the safety of the hostages is the paramount concern. The safe release or rescue of any hostage is the ultimate goal of the SWAT Team. While making every effort to ensure the safety of a hostage, it is also the objective of the SWAT Team to take any hostage taker or criminal into custody as safely as possible. These specific goals are to be accomplished while also focusing on safeguarding the lives of other nearby citizens and police officers.

WARRANT SERVICE

Search and Arrest Warrant Service

The circumstances justifying the use of SWAT to serve a warrant must conform to the criteria outlined in the Simi Valley Police Department High Risk Warrant Service Checklist.

COMMAND POST OPERATIONS

This guideline will define the purpose of a Command Post (CP), establish responsibilities for those staffing the CP, and discuss procedures that will allow for the CP to be made operational in an efficient and consistent manner.

TACTICS

Purpose: Establishing a CP is one of the first steps in achieving an organized approach to the resolution of a major incident. It provides Command staff with the ability to direct personnel and allocate logistical support from a central location, providing the ability to cope with the tempo and complexity of crisis situations. A CP is the central repository for all operationally significant information dealing with the incident. A CP will be established in most SWAT situations, with exceptions made for some quick, pre-planned enforcement actions where a CP could not offer any advantage in the successful outcome of the operation. Ideally, two Command Posts will be established. The Incident Command Post (ICP) will be responsible for the overall incident, to include outer perimeter, traffic control, evaluation, and sheltering. The SWAT Tactical Command Post (TCP) will be responsible solely for the tactical team and area within the inner perimeter.

Site Selection: The Incident Command Post (ICP) should be located near the scene of the incident, but far enough away to limit the danger of becoming involved in hostile action occurring within the inner perimeter. It is preferable to locate the ICP out of public view as much as possible, and near a building that can accommodate telephone, lighting and electrical needs; as well as provide toilets and shelter from inclement weather. The ICP should provide sufficient parking for vehicles, and allow for easy ingress and egress without nearing the incident scene. The SWAT Tactical Command Post (TCP) will typically be located nearer to the scene to allow for easy foot access by team members that are deployed. It must be situated so that it is not in danger of being observed by or taken under fire by the suspect. It will be, in almost all cases, within the outer perimeter. It should be located near the CNT negotiating post, so as to provide the ability for immediate tactical/information updates.

Staffing: Listed below are titles and responsibilities of those that may staff the Command Post. The positions that will be staffed will vary depending on the complexity of the operation, and many times one person may be responsible for the duties of more than one position.

Incident Commander (IC): The person in charge of the overall incident. This may be the Tactical Operations Commander on some smaller missions, but ideally will be the Watch Commander, Commander or a Deputy Chief who will be on scene at the ICP.

Tactical Operations Commander: The person in charge of the tactical response teams (SWAT & CNT). Normally, the SWAT Commander or a SWAT Team Leader.

Operations Officer In Charge: The person responsible for supervising operations support personnel such as outer perimeter and traffic control. Normally a field supervisor.

Command Post Security Officer: In situations where security is an issue, a security officer will be designated and will be responsible for restricting entry into the Command Post to authorized personnel. This would normally be a Patrol Officer assigned by the Incident Commander. Assignment instructions are included in Appendix D and should be given to the assigned officer at the CP.

Scribe: Person responsible for recording information about the operation in an accurate, concise and legible manner. This would normally be a Tactical Dispatcher, but may be assigned to an officer in an extremely complex operation. Assignment instructions are included in Appendix E and should be given to the assigned person at the CP.

Tactical Dispatcher: A Communications Dispatcher who has undergone training specific to SWAT operations. This Dispatcher would be assigned to operate the police radio(s) at the Command Post and keep appropriate logs of radio transmissions. Tactical Dispatchers may also be tasked with completing the Command Post Log (Appendix F), Suspect Information Sheet (Appendix G) and the Personnel Assignment Sheet (Appendix H).

Intelligence Officer: The person responsible for gathering pertinent information from witnesses, victims and reporting parties. This position will ideally be filled by an experienced interviewer or Detective. The SWAT Team Commander may assign a SWAT Team member to participate in interviews, in order to gain first hand information pertinent to the SWAT operation. If SWAT personnel shortages arise, the SWAT Team Commander should consider utilizing any Departmental personnel with prior SWAT experience.

Situation Status Officer – The person responsible for receiving and disseminating data to the appropriate information display location at the Command Post. This person will work in conjunction with the Incident Scribe when posting updated information. Assignment instructions are included in Appendix I and should be given to the assigned person at the CP.

Media Liaison Officer: The person responsible for disseminating information approved by the Incident Commander to all media representatives. This person coordinates all interviews and photo coverage with involved personnel. Whenever possible, this position will be staffed by the Department Media Relations Officer. Assignment instructions are included in Appendix J and should be given to the assigned person at the CP.

Operations: The SWAT or Tactical Operations Commander will maintain control of tactical operations through the appropriate application of all updates and relevant information received by Command Post personnel. This information will also be posted

on the data displays by CP personnel. The Commander will maintain contact with the SWAT Team Leader on-scene in order to coordinate and direct team operations.

Data Displays: Data received at the Command Post will be immediately recorded on posted displays so that the SWAT Commander will have a visual reference point for all pertinent information. Displays will be on white boards, poster paper or electronically and organized in a manner that the information is easily located and read. Display categories are listed below. The number of displays will vary depending on the complexity of the incident. Displays from an incident involving serious injury or death should be photographed or otherwise copied and retained with the After Action Report.

- Inner perimeter drawing. Depicting all structures, shrubbery, fencing, vehicles and personnel locations.
- Structure floor plan. Depicting the known or suspected layout of the interior of the involved structure.
- Area map. Depicting location on the street, name of the street, proximity to nearest cross street, any structures that have been or are intended to be evacuated, and location of outer perimeter.
- Suspect. Biographical information and photo if available.
- Target Location. Address, phone numbers, names of residents and description of site.
- Weapons. List of known or suspected weapons in possession of suspect.
- Explosives. Known or suspected devices and date/time explosive ordinance team notified.
- Hostages. Biographical information, medical problems, injuries, etc.
- Demands/Deadlines. Accurate concise description.
- Vehicles. Involved or accessible to suspect, location, DMV information.
- Witnesses. Biographical information, highlight of information provided.
- Time/Event. Pertinent event log listed chronologically (Appendix K).
- Evacuation Log. List of residences evacuated, whether residence was left locked, name of evacuees, and location housed (Appendix L).
- Target photos. Photos of location, if available.
- Utilities. Location of water, electrical and gas shutoffs, and time disconnected.

Logistics:

- Equipment. Supplies needed for the CP will be recorded on a list. Responsibility for keeping SWAT vehicles stocked will be assigned by the SWAT Team Leaders.
- Setup. It will be the responsibility of the Incident Commander to designate who is responsible for driving the Command Post vehicle to the designated location and beginning initial set up.

Emergency Medical Support:

- The Incident Commander will ensure that a paramedic ambulance and a fire engine company is dispatched to the Command Post. The SWAT Team has operators who are trained as tactical medics for situations where support from Ventura County EMS is unavailable. Whenever practical, team medics will be present on all operations and training exercises.
- EMS personnel will be stationed at the Command Post or can be staged closer to the inner perimeter depending on the situation status.
- EMS personnel will be given advance instructions regarding a safe approach route and medevac location.

SCOUTING MISSION OPERATIONAL GUIDELINES

PURPOSE:

The purpose of this guideline is to provide SWAT operators assigned to conduct the scouting mission, with information regarding responsibilities, tactics and equipment. This guideline should in no way be considered absolute or restricting in the areas of the Operators performance of the assigned mission. Each particular mission will dictate the Operators actions and decisions regarding accomplishment of the Scouting mission.

SUMMARY:

The purpose of the scouting mission is to obtain vital intelligence regarding a location, surrounding area and the persons and vehicles present and associated with the location. This information will be obtained through reconnaissance of the location. The information obtained by the Operators conducting the scouting mission will be used in the formulation of the tactical plan for the mission. Every effort will be made to independently confirm information and supporting facts for validity prior to initiating a tactical plan.

RESPONSIBILITIES:

- The Operators conducting the scouting mission will conduct a reconnaissance of the location unless circumstances dictate another approach.
- All information obtained during the scouting mission will be relayed to the Team Leader(s).
- The information obtained will be used in formulating or modifying a tactical plan.
- The Operators conducting the scouting mission may assist in selection of the optimal locations for all containment personnel, including the long rifle teams; based on the information obtained.

NOTE: Placement of team members may be accomplished during the scouting mission.

- The Operators conducting the scouting mission will create or update the command post tactical diagram of the location and based on the information obtained, attempt to formulate a basic diagram of the floor plan.

INITIAL REQUIREMENTS OF THE MISSION:

- Make and confirm a positive identification of the operational location. This may be accomplished by using the handling or first officer on scene to physically point out the location.
- Get a positive description of the suspect(s), to include weapons, clothing, vehicle and location last seen.
- Identify any other persons that may be hostages or that may have information regarding the suspect or the location.
- Determine exact location of perimeter personnel. Most likely patrol personnel who arrived prior to deployment of the SWAT Team.
- Insure all perimeter personnel are advised prior to movement of the Scout team. Ensure all perimeter personnel acknowledge receipt of the advisement.
- Determine which residences surrounding the location have been evacuated and which residences will most likely need to be evacuated.

DURING THE MISSION:

- The Operators conducting the scouting mission should attempt to obtain detailed information of the following:
 - Size, type and location of doors and windows.
 - Direction doors and windows open.
 - Bars on any windows and doors.
 - Tinting/glazing on windows.
 - Extra thick glass, anything that will interfere with deployment of chemical agents.
 - Presence of and location of motion sensor lights and dogs.
 - Location of utility boxes and shut offs.
 - Location of additional hazards/obstacles.
- **NOTE:** If the Operators conducting the scouting mission have received information regarding the layout of the location prior to the mission, they should attempt to confirm or modify the description.
- If possible, before the mission, i.e., Search Warrants, the Operators conducting the scouting mission should attempt to get access to all available resources for obtaining information about the location. Possible resources include but are not limited to drive-by photographs/videotape and possible use of aerial reconnaissance.

USES OF INFORMATION FROM SCOUTING MISSION:

- Information gathered on the scouting mission will be used to determine the following and other needs as may arise.
 - The need for further evacuations.
 - The primary and secondary points of entry.
 - The staging locations for the arrest and entry teams.
 - The location for deployment of a diversion.
 - The location for announcements to the location.
 - The location from which to deploy a throw phone or other communication device.
 - The location best suited for the gas teams and introduction of chemical agents to the location.
 - The best surrender location for the suspect.
 - The evacuation route for injured team members.
 - Best location for the command post.
 - Rally point for the teams at the conclusion of the mission or during an emergency.

SCOUTING TECHNIQUES:

- The Operators conducting the scouting mission should always take advantage of available cover and concealment.
- Cover and or concealment should if possible be selected in advance of movement from one place to another.
- Movement should be made from one place of pre-selected cover to another.
- Inner containment personnel should be advised of movements by the Scout and Back-up Scout.
- Operators conducting the scouting mission should always assume they are being watched by the suspect.
- Avoid unnecessary movement.
- All movement should be made in a slow and deliberate manner when possible.
- If the Operators conducting the scouting mission are seen by the suspect, they should immediately move to a position of good cover and advise all other team members of the compromise of their mission.
- Tape all noisy and shiny equipment.
- If necessary or desired, use camouflage stick for exposed skin.

- During daylight, observation is best made from a shaded position.
- Look around objects, not over them when possible. If it is necessary to look over an object movement should be extremely slow in order to avoid detection.
- Stay off the skyline to avoid detection.
- **Most important, do not rush and do not let the mission be rushed by others. Only the Operators conducting the scouting mission know what the location is dictating.**

PLACEMENT OF TEAM MEMBERS:

- To facilitate placement of team members, the operators conducting the scouting mission may take team members to their pre-selected positions.
- Each team member must know:
 - The mission of the team.
 - The physical location of all other team members once deployed.
 - The overall plan and how the mission is to be accomplished.
- Do not hesitate to allow position changes, if a team member notes a better location for his position, which does not interfere with other team member positions or the overall plan.
- All team members **must** be advised of any position changes after deployment.

EQUIPMENT

- The Operators conducting the scouting mission should carry the minimum equipment necessary to accomplish the mission. This will facilitate ease of movement and help reduce possible noise.
- They should be prepared to deal with a suspect if the situation arises.
- A note pad and pen/pencil are always necessary.
- Binoculars and/or night vision may be beneficial.
- The Operators conducting the scouting mission should be able to locate and adjust their equipment in the dark by touch.
- The Operators conducting the scouting mission should remember that although carrying the minimal equipment necessary for mission is desired for safety and ease, they must be ready for any eventuality.

HIGH RISK WARRANT SERVICE

The service of high risk warrants is one of the most dangerous tasks assigned to police officers. There are advantages to having a team of specially trained officers serving these types of warrants. Typically, the request to serve a high-risk warrant, either to search or to make an arrest, will come from the Detective Unit. If the warrant meets the criteria of the high risk warrant checklist, SWAT will assume the responsibility of serving the warrant. SWAT may also serve warrants of lesser risk levels upon request, provided the service of the warrant meets the criteria outlined in Lexipol # 606

Tactics:

- A Team Member will meet with the handling Detective for background information. The Team Member will attempt to gather as much information as possible from the Detective and determine whatever additional intelligence is necessary.
- A copy of the warrant and affidavit should be obtained. The Team Commander will ensure the warrant is valid. Due care must be taken to ensure the location for service matches the description on the warrant.
- A Team Leader will determine the goal of the warrant and evaluate the necessity of making entry as opposed to containing the location and calling the suspects out to the team. The decision to enter for service or surround and call-out will be based on the overall priority of a safe mission.
- Security measures will be implemented to ensure that the operation is not compromised.
- A Team Operator(s) will scout the primary location and the immediate area. The Team Operator(s) will diagram the location based on information obtained from the scouting mission, available floor plans, and information from other officers and informants.
- The location should be photographed and videotaped when possible.
- Scouting missions must be covert and carried out in a manner, which does not compromise the operations.
- No contact will be made at the location with residents, neighbors, or property managers without consulting the case agent.
- The Operator(s) conducting the scouting mission, in conjunction with a Team Leader, will develop a comprehensive plan to serve the warrant using the SWAT Operational Plan format. (Appendix C)

- The focus of the operational plan should be on safety. It should ensure that the team makes a safe entry into the building and is able to dominate and control any suspects. The use of a diversionary device, multiple entry points, and window porting may be appropriate to support the entry.
- The operational plan will be based on the size and layout of the location, anticipated obstacles facing the team, the number of occupants, and any factors that may increase or decrease the risk level.
- The entry team should rehearse their movements using the anticipated layout of the building. The first rehearsal should be a walk through and the final rehearsal should be at full operational speed. All specialized equipment needed for the warrant service should be used in the rehearsal.
- The operational plan should include a secondary point of entry. The secondary point of entry should be briefed just as thoroughly as the primary point of entry.
- The operational plan should include a secondary entry and identify which members of the team are responsible for secondary entry.
- The operational plan should include appropriate contingency plans to address anticipated obstacles.
- The operational plan should include routes to: the Command Post, staging areas, the primary location, and the medivac location.
- The operational plan should include a designated rally point.
- A specific Team Member should be given the responsibility of developing the convoy order.
- Perimeter positions should be established to prevent the escape of any suspects. The perimeter positions will also prevent any additional people from entering the area.
- Specialized equipment should be assigned to specific Team Members.
- The operational plan will be approved by a SWAT Sergeant or SWAT Commander prior to briefing.
- The team will brief the operational plan and ensure that each Team Member is familiar with their assignment and equipment.
- Each Team Member should verbalize their particular assignment.
- If appropriate, on-scene surveillance should be deployed prior to serving the warrant.

- Appropriate notifications (i.e., Watch Commander, communications, outside agency) will be made before serving the warrant.
- Arrangements shall be made for fire and ambulance personnel to stage at the CP, or another location in close proximity to the warrant location.
- The entry team must comply with applicable knock and notice requirements.
- A minimum of one entry team member shall audio record the knock and notice. When knock and notice is made via loudspeaker, a team member on a rear containment position shall also make an audio recording of the advisement.
- Upon entry, Team Members must recognize their assigned areas of responsibility, but remain flexible for any unanticipated threats or obstacles.
- Prior to giving a "Code 4", a secondary sweep/search of the location must be conducted.
- Once assigned, the responsibility for the service of the warrant rests with SWAT. Once the scene is secure and safe, and the arrest(s) (if applicable) have occurred, the responsibility for the scene shall be turned over to the handling Detective/Officer.

BREACHING TOOLS/OPTIONS

The Simi Valley Police Department has deemed it necessary to have breaching capability that will enable the SWAT Team to quickly enter buildings, increasing safety and speed of operations. Typically, team members are vulnerable while waiting outside the threshold for an imminent entry. If entry is delayed beyond an acceptable level, the team may lose its advantage of surprise. Although each tool has a purpose, nothing prevents members of the SWAT Team from using **any** tool in a manner deemed necessary for a given situation.

It is the mission of the breacher to be knowledgeable of potential entry points and dangerous surroundings. The breacher should determine the best potential **Primary** and **Alternate** breach point as well as the best **Primary** and **Alternate** breaching method. A large part of a mission's success depends on the entry. Without a successful breach to provide access, the mission is compromised.

Mechanical or Manual Breaching:

It is imperative that the SWAT Team has a wide variety of mechanical breaching tools at its disposal, ready for deployment. The use of these tools during a mission significantly enhances the team's operational capability.

Halligan Tool or Pry Bar:

- Breaching outward opening doors
- Breaking windows and window frames

Hooks-Bar Pulling

- Must be used with vehicle
- Pulling security bars from windows
- Pulling security bars from doors

Ram / Sledge Hammer:

- Breaching inward opening doors
- Breaching barricaded doors

Bolt Cutters:

- Cutting locks
- Cutting chain link fences

Hydraulic Tools:

- Door Spreader

Flashbang Extension Pole

- Breaching windows

Bearcat Ram

- Breaching any obstacle

Ballistic/Shotgun Breaching:

The breaching shotgun is an effective and rapid means of breaching through various types of material. If an entry door will be difficult to breach or forcible entry is too dangerous to team members or others, frangible breaching rounds should be considered.

12 ga. Shotgun with Pistol Grip, Shortened Barrel and Standoff (Remington 870)

- Breaching inward or outward opening doors
- May provide a quicker entry than traditional tools
- Uses specific loads for specific targets
- Enables the team member responsible for breaching to remain armed

CHEMICAL AGENTS DEPLOYMENT DELIVERY SYSTEM USES / MAINTENANCE

The deployment of chemical agents during a SWAT activation is an option that should be considered by the SWAT Commander during situations involving barricaded suspect(s) or during civil unrest. When properly deployed, chemical agents cause physiological and psychological effects necessary to help facilitate a peaceful resolution to a potentially violent incident. In all incidents where SWAT is deployed, a gas plan should be completed and submitted to the SWAT Commander as soon as possible. The gas plan should be included with the operations plans in situations where SWAT is being deployed to serve a search warrant (Refer to Attachment)

Tactics

Barricaded Suspect:

- The quantity of chemical agents needed during an operation will vary depending on the size of the structure or vehicle involved.
- *When practical*, a gas plan should be made which includes: the estimated or known size of the location; the estimated quantity and type of chemical agents to be deployed, and the lethal concentration time (LCT) for both non-pyrotechnic (cold) and pyrotechnic (burning) deployments.
- Personnel assigned to deploy chemical agents must be prepared to deploy any type of chemical agents requested by the SWAT Commander. Personnel assigned to deploy gas will be trained in the deployment and various uses of gas. The SWAT Commander should consult with the "Gas Operator" when making decisions on gas deployment.
- Chemical agents should be deployed progressively at the direction and control of the SWAT Commander.
- Personnel deploying chemical agents should wear gas masks, as should any personnel who may be in the affected areas.
- In order to avoid confusion between 40 mm gas projectiles, the **pyrotechnic rounds shall be spray-painted red** in color for ease of identification. When stored in ammo cans, the cans containing pyrotechnic rounds shall also be spray-painted red for easy identification.
- When practical, **pyrotechnic (burning) devices should be deployed in burn boxes**. Burn boxes are designed to reduce the possibility of a structure fire.

- Personnel assigned to deploy chemical agents should be given specific instructions regarding the type of device to be deployed, the quantity of the device to be deployed, and the specific location where each device is to be deployed. These directions will be based on information given to the SWAT Commander by the “Gas Operator.”
- A Team Leader should repeat the SWAT Commander’s chemical agent orders to ensure that the orders are understood. This should include the quantity, type, and the specific deployment location. Once the team member is ready to deploy chemical munitions, he will advise the Incident Commander that “gas is ready.” The SWAT Commander or his/her designee will then advise all personnel to “MASK UP”. When the appropriate amount of time has passed for personnel to deploy their gas masks, the SWAT Commander or his/her designee will give the command “DEPLOY GAS”.
- The location, time, quantity, type of chemical agents used, and the names of personnel who deploy chemical agents will be recorded in an After Action report.

Chemical Agents Use in Vehicles:

- Chemical Agents may be used to force persons from within a vehicle.
- Do not fire directly at an individual unless using lethal force.

Chemical Agent Delivery System / Maintenance

Summary:

The choice of a delivery system or method of delivery is dictated by the mission to be accomplished. In order to choose the proper device for the situation at hand, the user must know what delivery devices are available, and consider their different characteristics of risk, effectiveness, and grams of agent. The following are the delivery devices generally used by the SWAT Team.

- Projectile rounds designed to deliver chemical agents are more or less sophisticated containers that can be fired with some degree of accuracy from a 40mm gas gun or 12 gauge shot gun. Trained personnel will deploy the department approved 40mm gas gun, Sage gun and/or 12 gauge shot gun to deliver projectile type rounds.
- Non-lethal chemical agent grenades are contained in canisters generally ranging between 17 grams and 95 grams in weight. These containers are designed to be hand activated and launched by trained personnel.
- The “gas safe” is constructed to deliver non-lethal chemical agents with a grenade. This safe was designed to deploy pyrotechnic (burning) agent, while reducing the possibility of a structure fire.

- The “Gas Ram” or similar approved item is a non-lethal chemical agent delivery system, which is a tool generally, used to breach material which projectile rounds, burn boxes and grenades typically cannot penetrate (e.g., doors and stucco walls). These delivery systems should only be purchased through licensed, and approved vendors. These tools can either be carried and manually operated or affixed to the Bearcat.

Chemical Agents Training:

- Any personnel who are assigned to the SWAT Team will be subject to the agency’s recognized *annual* qualification guidelines and training in the use of non-lethal chemical agents. This training will include exposure to Chemical Agents normally employed by the SWAT Team.
- Any SWAT Team operator assigned as a “Gas Operator” will attend and complete a POST certified course in the proper use and effects of Gas and Gas deployment systems.

IMMEDIATE ACTION – RAPID DEPLOYMENT

Immediate Action – Rapid Deployment may be defined as the swift and immediate deployment of law enforcement resources to on-going, life threatening situations where delayed deployment could otherwise result in death or great bodily injury to innocent persons. These tactics may be employed under a variety of circumstances, to include but not limited to: “active shooter(s)”, attacks with edged weapons and the placing of explosive devices. Generally, these tactics will be employed when such attacks occur in: schools, daycare facilities, crowded parks, playgrounds, sporting events, office buildings and multi-level structures. In addition, the consideration to employ such tactics may also include the need to conduct a citizen or officer rescue.

Tactics:

- Immediate Action – Rapid Deployment tactics are not a substitute for conventional response tactics to a barricaded gunman.
- Initial responders must consider the following:
 - Assess the situation.
 - Determine if Immediate Action – Rapid Deployment tactics are necessary.
 - Request appropriate resources.
 - Additional units
 - Bearcat (armored vehicle)
 - SWAT
 - Bomb Squad
 - Fire Department

- EMS / Ambulance response
- Broadcast situation to responding units, to include:
 - Number of suspects
 - Type of weapon(s) involved
 - Safe route of approach
 - Incident Command Post location
- Assemble **Contact Team(s)**.
 - Team Leader / Senior Officer: Formulates and implements plan.
 - Communication Officer: Handles radio communication.
 - Point Officer: Directs movement of the team.
 - Rear Guard: Covers movement to the rear of the team.
- The primary objectives of the **Contact Team** are:
 - Contact the suspect and stop the deadly behavior
 - Limit the suspect(s) movement
 - Prevent escape
 - Communicate progress to responders
 - Continue past victims and explosives
 - Provide victim location(s) to the **Rescue Team(s)**
- Once the initial contact team has been deployed, additional responding officers must set up containment of the location.
- An Incident Commander shall establish a Command Post and coordinate all responding resources.
- Once containment has been established, then additional responders should assess the need for additional Contact teams and / or Rescue teams.
- If **Rescue Team(s)** are to be deployed, the following issues should be considered:
 - Priority is given to the rescue and recovery of victims.
 - Coordinate a triage location with responding EMS personnel.
 - Expand the size of the **Rescue Team(s)** if multiple victims are present.
 - Coordinate all actions with the **Contact Team** Leader.
 - Initiate identification and accountability of victims.

EQUIPMENT CONSIDERATIONS:

- When employing Immediate Action – Rapid Deployment tactics, both the **Contact Team(s)** and **Rescue Team(s)** should consider using the following Equipment:
 - Urban Police Rifle
 - Shotgun with slug ammunition
 - Flashlights
 - Raid Jacket (for plainclothes Officers)
 - Ballistic shields/tactical blanket

TRAINING:

- Immediate Action – Rapid Deployment Tactics are a perishable skill. As such, a regular training cycle must be adopted in order to maintain First Responder proficiency. The SWAT team shall be tasked with conducting refresher training on these tactics. This training shall be mandatory for **all** sworn personnel to attend.

OPEN FIELD SEARCHES

An open field search is a search for an armed suspect or suspects, concealed in an open, non-urban area.

Tactics:

- Upon arrival at the scene, SWAT will attempt to contain, or direct containment of the area if possible.
- SWAT will immediately deploy a rifle team or teams (2 or more officers per team) to monitor the area to be searched and provide security.
- The rifle teams should be placed as far apart as required to establish effective intersecting fields of fire, while maintaining visual contact with each other.
- If available, an airship equipped with a “FLIR” device should be used during the search to locate the wanted person(s) and direct the search team.
- If available, a Department K-9 (or other police K-9 unit) should be used during the search. The K-9 can be used to assist the search team via a track.
- A search team should be established using the appropriate number of SWAT operators armed with shoulder-mounted weapons.
- The search team may be formed into a tactical formation with a minimum of one SWAT operator trailing behind at a distance.
- The team should disperse themselves as far apart as required to establish effective intersecting fields of fire while maintaining visual contact with their searching partners and avoiding crossfire. The accepted ideal distance for separation is generally accepted to be about 15 feet, based on the terrain to be searched.
- The team leader will position themselves accordingly to maintain direction and control of the formation. The Team Leader will be in voice distance of the formation and maintain radio contact with the command post and other searching units, (K-9, Airship) in order to most effectively and safely conduct the search.
- Upon entering the search area the team leader should advise the rifle team how many operators are entering the search area.
- If the search area is large, the team leader should consider redeploying the rifle team as the search progresses.

- If the search area is large, the team leader should consider establishing an in-field rally point. The rally point should provide cover and be supported by the long rifle team.
- If no airship and no K-9 are available, the search team will make a systematic search of the area.
- Search team members should consider the following:
 - Move from one position to another using cover and concealment.
 - Remain motionless when not changing positions.
 - Select positions before moving.
 - Not run except in an emergency.
- If a suspect **surrenders** in the field, the search team should take a position of advantage, maintain security, and direct the suspect into a position away from where he was located before he is taken into custody.
- If a team member locates a suspect, the team member should shout "CONTACT, FRONT OR REAR (RIGHT OR LEFT)." The search team should take a position of advantage, maintain security, and direct the suspect into a position away from where he was located before he is taken into custody.
- If a suspect breaks cover and **flees**, a police K-9 should be used if appropriate. The search team should maintain security.
- If the search team takes **incoming fire**, they must react quickly to overcome the suspect's advantage of surprise and initial fire superiority. They should identify the threat and return fire as rapidly as possible, maneuver out of the kill zone, and attempt to flank the suspect(s).

SNIPER TEAM AND SNIPER INITIATED ASSAULTS

Summary:

It is the Department's intention to have long rifle teams available for deployment during SWAT operations. The teams, commonly referred to as Snipers, should deploy as soon as possible upon arriving on scene. The immediate deployment of the long rifle teams will perform duties that will include but not be limited to the gathering of intelligence and provide the capability of precision rifle fire.

Tactics:

Deployment

- The Sniper team consists of Department members trained in marksmanship, field movement and observation techniques. The primary weapons of the rifle team are a .308 caliber scoped rifle and a .223 caliber semi-automatic rifle. Each member of the Sniper team should be equipped with both weapons. This combination provides the capability of long-range precision accuracy and sustained long-range fire if necessary.
- The Sniper team will normally deploy in pairs. The pair consists of two (2) Snipers, who are equally qualified and share the duties of marksman and observer to help reduce fatigue on long operations.
- The Sniper Team will find a position that offers a good observation point, is within the effective range of their weapons, provides cover and concealment, offers a stable shooting position, and provides an appropriate field of fire.
- The duties of the primary marksman include but are not limited to:
 - Provide suspect description and location. Provide updated intelligence on the suspect's actions as it occurs. Cover the main exit or other assigned area to monitor activity.
 - Provide cover for the scouting mission, the arrest team, and the entry team.
 - Neutralize a dangerous suspect if needed.
 - Provide cover fire if needed.
- The duties of the primary observer include:

- Assist marksman with equipment.
- Handle radio communications.
- Provide security for the primary marksman.
- Keep notes of the suspect's description and actions.
- Relieve the primary marksman to reduce fatigue.
- Provide diversionary fire if needed.
- Assist Primary Marksman with target identification and range determination.
- Call any shot made by the primary marksman.

Equipment:

In addition to the weapons mentioned earlier, there are other items that the long rifle team should have available to help perform their duties. These include, but are not limited to:

- Weapons pack
- Binoculars/Range Finder
- Small flashlight
- Shooting supports
- Pen and notebook
- Water and appropriate food items for sustained extended missions.

Sniper Initiated Assaults:

- A sniper-initiated assault is a tactical operation performed by the entire SWAT Team that begins with the precision fire of a long rifle marksman.
- A sniper-initiated assault can be an effective tool if all team members understand the fundamentals and coordinate their efforts.
- The number of long rifle teams should depend on the number of suspects.
- All rifle teams should have direct radio communication with the long rifle controller (Sniper Team Leader). The Team Leader will advise the team members what the signal will be to begin the assault. The signal may be the report from the precision shot or it may be a verbal command over radio communications. The verbal command will be predetermined and made known to all Sniper teams.
- All team members must maintain strict radio discipline.

- The command structure is maintained until the Team Commander advises the (Sergeant) Team Leader that he is to go with the assault. At that point, the long rifle controller assumes tactical command of the operation until the long rifle teams take their precision shots or until the Team Commander advises the long rifle controller to “**stand down**”.
- The Team Leader will acknowledge the “go with assault” command by repeating the command back to the Team Commander. The long rifle controller will state, “**I have control, I have control**”.
- The verbal command to the Sniper teams may be in cadence form such as, “**ready, ready, ready, fire**”. Each team should discharge their weapon on the word “fire.” The Sniper Team must be well-disciplined and ready to “stand down” at any time.
- If a marksman observes a compromise situation where a life is in immediate danger, he will advise “**compromise, compromise, compromise**” and take a precision shot if appropriate. The observer will then report the results of the shot over radio communications. The entry team leader will then decide if entry should be made.

USE OF K-9

Summary:

The primary purpose of the police K9 in a SWAT deployment is to assist SWAT personnel in locating a suspect or suspects.

The decision to apply a police dog to a specific police operation shall remain with the concerned canine handler. When requested to apply the canine to a specific problem, the handler shall first evaluate the situation to determine if in fact use of the dog is feasible and appropriate.

The police dog's ability to locate a suspect and subsequently alert to the suspects presence is based on factors presented to the dog, such as scent, noise, air currents and visual observation. After a police dog has cleared a specific area, team members will search and clear each location; ensuring the police dog has not missed a suspect.

Arrest/Rescue Team and Containment:

- A K-9 Team can be used as a "Reaction Team", during the containment of a location. The K-9 Team assigned to the "Reaction Team", is not part of the containment of the location and should generally not have the ordinary responsibilities of a containment post unless designated as such.
- The K-9 assigned to the "Reaction Team" is responsible for apprehension.
- The K-9 Team may utilize a "Reaction" team to assist in apprehending fleeing suspects that are able to get out of the location. This allows other containment personnel to maintain their posts.
- If the suspect should happen to make it outside of the containment, the K-9 Team can deploy into an area search operation, to search for the suspect with other team members.

Deployment During Tactical Entries/Building Search:

- When utilizing a K-9 Team to make entry into a location, the K-9 should generally be the first to make entry. The handler should generally be in a position to observe his/her dog, if the situation permits. Unless the K-9 Team is being utilized in the point position to approach a location, the K-9 Team should be deployed on the team approach at the end of the entry team line up.
- When the Entry Team is ready for the deployment of the K-9, the Team Leader or his/her designee will call the K-9 Team to his/her location either by radio, verbal, or hand signals and advise the handler of the appropriate area to be searched.

- Once the K-9 has cleared the first room of the location, the handler should generally recall his/her dog and return to the rear of the Entry Team line up. Depending on the situation, the K-9 handler may determine with the Scout to “down” the K-9 in position. The Entry Team can now make entry into the first room and do a detailed search.
- After the first room is thoroughly searched by the Entry Team, the scout or his/her designee will then direct the K-9 Team to the next area of threat to be searched (if needed). After the K-9 clears that area, the handler will recall or down his/her dog. The handler will then stand to the side or return to the rear of the Entry Team line up; depending on whether the police dog was downed or recalled. The Entry Team should now make entry into that area and do another detailed search.
- The “Leap Frog Method” of searching should continue throughout the location utilizing the K-9 Team at the direction of the scout. The K-9 can search off-leash or on a long-line, at the discretion of the handler.

Area Searches/Tracking:

- When preparing to utilize a K-9 Team to search an outdoor area, team members should attempt to begin the search facing in the direction of the wind. This should be done whenever possible to more readily assist the K-9’s sense of smell.
- The K-9 Team can be deployed at the direction of the scout or his/her designee utilizing a Point position followed directly by team members and the handler or the team can utilize the “Leap Frog Method” of searching and clearing after the K-9 is either recalled or downed by the handler. The K-9 can search off-leash or on a long-line at the discretion of the handler.
- At the direction of the scout or his/her designee, the team may opt to track for a suspect(s) in an area search.
- The responsibility of the team members is to protect the handler from hostile suspect(s) during an area search or track because the handler’s attention will be primarily focused on the dog’s movement and any alerts during the search.

Locating Suspects and Apprehension:

- When the K-9 locates a suspect, the team members should find cover and be quiet as the dog continues its alert. A search team member (preferably the K9 handler) will then initiate verbal contact with the suspect to order a surrender and affect an arrest.
- When the suspect is accessible to the K-9 and refuses to surrender after the dog has been recalled, the scout or his/her designee may direct the handler to re-deploy the dog to apprehend the suspect.

- When a suspect is apprehended by the K-9, team members and the handler should seek more advantageous cover. The scout or his/her designee will then direct the handler to initiate verbal contact with the suspect in an attempt to have the suspect come to an area with the dog where the arrest can be made without jeopardizing the safety of a two-officer arrest team and the handler. The scout or his/her designee will then direct the arrest team to accompany the handler to the suspect and the dog and affect the arrest. The remaining team members are responsible for protecting the arrest team and handler from hostile suspect(s), which may still remain within the location. After the suspect has been secured and handcuffed, the arrest team will escort the suspect from the location. The search will resume if necessary upon return of the arrest team or other team members.
- When a suspect is apprehended by the K-9 and is unable to respond to commands by the handler to move to a more secure area, the scout or his/her designee will deploy team members to areas where they can both cover the suspect and provide protection for the arrest team and the handler, then direct the arrest team to accompany the handler to the suspect and the dog to effect the arrest. After the suspect has been secured and handcuffed, the arrest team will escort the suspect from the location. The search will resume if necessary upon return of the arrest team or other team members.

CROWD CONTROL

Team Concept

All movements and tactics have to be performed as a team. Officers acting as individuals will break down the team and reduce its effectiveness.

Squad Integrity

Squad integrity is the most important component of successful formations. Officers should not break formation to make an arrest or take individual action. Individual actions will weaken the effectiveness of the Squad and endanger the individual officer and other members of the squad. All arrests of suspects and rescues of officers or civilians will be accomplished with the use of squad formations.

Baton Techniques

Either the 24" straight baton, 24" side-handle baton or the 42" straight baton will be used with crowd control formations. Officers need to be proficient with the basic draw, blocking techniques, jabs, chops, and the power stroke.

Arrest Techniques

If arrests are necessary, officers will use standard procedures and only that force which is necessary. Combative suspects will usually be encountered while in a formation situation. Individuals targeted for arrest will be taken into custody using the appropriate formation and movement. Passive resistors will be taken into custody by designated special teams. They will be given several opportunities to comply with police commands to leave peacefully. Officers should be proficient in compliance techniques.

Squad Appearance and Uniformity

It is critical during the initial stages of crowd control preparation that team members arrive on scene "ready to impress" when they are within view of the crowd. The first impression by the crowd of the team on scene may dictate and influence the subsequent actions of the crowd. It may start the process of compliance or resistance. Team members should strive to maintain a highly professional image in their appearance and actions at all times, whether forming a skirmish line or standing by. Their appearance alone may resolve or prevent more serious actions. Officers will wear standard Department approved SWAT uniforms while performing crowd control functions.

Media

Video cameras, both media and personal, will likely be present in crowd control situations. While officers must respond to the situation with firm action and resolve, they must be constantly aware of how their actions will be viewed later if considered without the totality of the circumstances.

Commands

All verbal commands will be accomplished with a visual signal specific to the movement, followed by an execution order. The verbal order will be “move”, the visual execution order will be the leader using a closed fist pumped up and down from shoulder to full extension.

Documentation

Whenever possible, police personnel should videotape crowd control incidents where violence is possible. This will serve as evidence in the event of criminal acts committed by members of the crowd, and will serve to document the actions of the officers. Videotaping should also be done at non-violent demonstrations where arrests are imminent.

VEHICLE ASSAULTS

Summary:

Vehicle assaults may be used to affect the rescue of a hostage(s) (HRT) and/or arrest the suspect(s) taking into account the use-of-force options available to the team. It is generally designed to be a Rapid Response. Relying on surprise to affect the Rescue/Arrest before the suspect(s) can react.

Tactics:

- The vehicle should be stopped, and if possible prevented from moving. The use of the Armored vehicles to block the vehicle should be considered.
- A location most favorable to the team may be designated for any approach or exit.
- A sniper-initiated assault may be considered and utilized.
- Two lines of team members approach the vehicle using a coordinated method.
- A light/sound diversionary device may be deployed to the front, or near the vehicle by a designated team member(s).
- Team members will address any target of opportunity at or near the vehicle. A team member may be designated to call the rescue and arrests at the appropriate time.
- A Response Team and a Rescue Team advance together upon the vehicle.
- Once the threat has ended, a designated team member can advise the rescuers, using verbal commands, which side of the vehicle the victim is on.
- When the rescue command is given, the rescuers on the appropriate side will move up from the rear of the vehicle and affect the rescue.
- The other rescuers may now become the arrest team and are directed to move up and take control of the suspect(s).
- Options also available for vehicle assaults or rescues may include but are not limited to:
 - 1) Deployment and use of K-9 intervention,
 - 2) Use of chemical agents,
 - 3) Use of mobile shields,
 - 4) Use of the armored rescue vehicle.

BUS/TRAIN ASSAULTS

These guidelines are intended as options to be used to dynamically enter a bus/train to affect the arrest(s) of suspect(s) and/or rescue victim(s). A dynamic tactical entry may be initiated after negotiations or other methods have been used or attempted without success. A tactical entry may be made without warning or prior contacts if possible to effectively stage for a hostage rescue.

Tactics:

- The bus/train should be stopped, and ideally disabled prior to an assault.
- Sniper team(s) should be deployed as soon as possible to address potential threats by the suspect(s), begin surveillance, gather and broadcast ongoing intelligence and prepare for a sniper-initiated assault if necessary.
- The two side-view mirrors on a bus should be disabled prior to any approach to the bus.
- A team may be assigned as the diversionary team. This team may be divided into two cells each consisting of a cover officer with their assigned weapon and a diversion officer each in possession of a light/sound diversionary device.
- The diversionary team will make a stealth approach to the bus ideally from the rear and stage at the back of the bus to await the entry team and further deployment instructions.
- Depending upon doors, window types and conditions, it may be advisable to utilize ladder teams. The ladder teams should approach the bus covertly with the entry team. Upon command the ladder teams would proceed along the passenger door side of the bus/train. If diversions are initiated, the ladder teams would stage and climb the ladder. The ladder teams provide temporary coverage of the passenger area of the bus/train.
- The entry team will minimally be comprised of four officers. They may bring a shield, less lethal capabilities, pick or any other tools the team believes the situation calls for.
- The entry team will make a stealth approach to the bus/train ideally from the rear, stage momentarily at the back and then continue to the door or other designated entry point. The route of the approach will be dependent on several factors; type of bus/train cover availability, suspect(s) visibility to the outside through windows and doors, locations of the windows and doors, location of hostage(s), and other actions by the suspect(s).

- An approach to a bus may be made along the primary door side.
- The entry team should stage as close to the door as possible without being detected from within. The entry will ideally be initiated either by a sniper-initiated assault, the deployment of diversionary devices or at the most opportune time as determined by the entry team leader to avoid jeopardizing the safety of the entry team or victims on the bus/train.
- When the entry team is ready to make entry, the diversionary team will be advised either by radio or hand signal to deploy its diversionary devices.
- Diversionary devices will be deployed according to the situation as directed by the Incident Commander. The team member with cover responsibility will provide protection from hostile suspect(s) for each diversion officer who will simultaneously deploy light/sound diversionary devices.
- Upon deployment of diversionary devices, the entry team will attempt to make entry through the door or other entry point into the bus/train.
 - The first team member into the bus/train will address any immediate threats with particular attention directed to the driver's area and proceed into the driver's seat area. The first team member will then cover the "high ground" (to address persons seated or standing) down the length of the vehicle from the driver's side if able to do so. If the first team member is not able to cover the length from the driver's seat area due to protective-type barriers, often located directly behind the driver's seat, they will address any threat in the driver's seat area, then proceed into the first or most readily available passenger seat behind the driver's seat, which will allow them safe access to cover the length of the vehicle.
 - The second team member into the vehicle will also address any immediate threats and proceed into the first or most readily available passenger seat on the door side of the vehicle, which will allow them safe access to cover the "high ground" down the length of the vehicle.
 - The third and fourth team members will enter the vehicle and begin walking down the aisle as they cover each other and clear the vehicle.
 - The other entry team members will remain staged outside the door and will respond accordingly as directed by the entry team leader.
- When an entry is made with a sniper-initiated assault, the entry team tactics remain the same. If time permits, the diversionary team should also be ready to deploy its diversionary devices to coincide with the long rifle deployment.
- If chemical agents are to be deployed into the bus/train, team members (diversionary team and entry team) will don their gas masks prior to making their approaches to the bus/train.

CNT Manual.pdf

SIMI VALLEY POLICE DEPARTMENT



CRISIS NEGOTIATION MANUAL

The Simi Valley Police Department
Crisis Negotiation Team
OPERATIONS MANUAL

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**Simi Valley Police Department
Crisis Negotiation Team**

GOAL STATEMENT

The goal of the Simi Valley Police Department's Crisis Negotiation Team is to provide the field commander with negotiators who have been specifically trained and equipped to diffuse critical incidents involving suspects who are suicidal, barricaded, hostage-taking or engaged in terrorist activities. Negotiators seek to accomplish this task by persuasion and thus minimizing the need for the use of force; yet, they also continually provide the field and tactical (SWAT) commanders with intelligence should a tactical solution be required.

Crisis Negotiation Team

SUBJECT: GENERAL PHILOSOPHY

1.2 GENERAL PHILOSOPHY

1.2.1 BACKGROUND

Armed suspects who, even after being contained by responding officers, fail to surrender and/or take hostage(s) periodically confront Law enforcement agencies. In order to deal more effectively with these types of situations and to reduce the threat of potentially violent confrontations, a group of carefully selected and highly trained officers has been formed to provide the Simi Valley Police Department with a Crisis Negotiation Team (CNT). The unit was named the *Crisis Negotiation Team* rather than the more traditional *Hostage Negotiation Team* because there are many situations other than hostage incidents for which a negotiator would be beneficial.

The use of negotiation during times when armed suspects are suicidal, barricaded or have taken hostages is widely recognized as the most successful method of resolving the incident. In most cases, the longer suspects refrain from injuring or killing hostages, the better the chance for a peaceful resolution. It is also recognized that some circumstances are non-negotiable, and the only realistic solution will lie with a tactical response.

Nothing in this manual shall be construed to preclude the use of necessary force by members of this Department when acting in their official capacity in protecting the lives and/or safety of citizens and/or Department personnel from death or serious injury.

1.2.2 POLICY STATEMENT

Although this manual was developed to outline the policies for emergency negotiators, it is realized that no plan can be universally applied to every unique situation. Therefore, this manual contains only guidelines for negotiators that are generally applicable.

It is entirely possible that those actually involved in a negotiation could depart from any of the material contained herein, and would do so correctly if the decision was based upon sound reason and good judgment.

1.2.3 OBJECTIVES

In keeping with the primary mission of the Department (the protection of life and property), the CNT is a resource to the Incident Commander that offers trained negotiators in situations where dialogue might avert a violent confrontation resulting in death or great bodily injury.

Teams are committed to the objectives as described below, and work in cooperation with all other tactical and support units. In all situations, the ranking CNT member reports to the SWAT/CNT Commander.

Once a suspect has been contained, the objectives of the CNT are:

- * To initiate communications with the suspect(s)
- * To establish a rapport and gain the confidence of the suspect(s)
- * To continually provide the field and tactical (SWAT) commanders with intelligence updates
- * To persuade the suspect(s) to release hostage(s) and/or relinquish weapons
- * To persuade the suspect(s) to surrender,

or

To wear the suspect(s) down, which might lessen the degree of resistance offered during a tactical solution.

or

- * To manipulate the suspect's movements in such a manner as to offer the safest possible conditions for a tactical resolution

Crisis Negotiation Team

SUBJECT: GENERAL OPERATING PROCEDURES

Although there are many philosophies regarding the handling of critical incidents involving suicidal, barricaded, hostage-taking or terrorist suspects(s), the Simi Valley Police Department recognizes the general principles listed below as standard operating procedures:

- * Members of the CNT shall obey all state and local traffic regulations when responding to a call-out.
- * The CNT team leader in consultation with the SWAT/CNT Commander will determine the location of the CNT command post.

Considerations:

1. The CNT command post should preferably be in the same general area as the incident, but not co-located with either the Incident Commander or SWAT command posts.
 2. Must provide a safe environment (out of the line of fire)
 3. Must afford privacy to negotiators
 4. Access to telephone line(s) is desirable
- * The suspect(s) must be contained before formal negotiations begin.
 - * Face-to-face negotiations with armed suspect(s) are highly discouraged; the SWAT/CNT Commander must approve any such decision.
 - * The optimal method of communicating with the suspect(s) is by hard-line telephone. When that is not practical, alternative methods of communication such as the use of a bullhorn or voice-to-voice may be considered.
 - * The suspect(s) should be isolated as quickly as possible. This includes, but is not limited to, the following:
 - A. isolating or diverting the phone service, including, but not limited to, hard-line phones, cell phones, cable modems and cable phone access

- B. removing the ability of the suspect to communicate with the media or to monitor television and radio reports. This tactic is most frequently accomplished by disconnecting the electricity.

Note: These steps are normally considered to be advantageous to negotiators. **Requests to disconnect any utility must be approved by the SWAT/CNT Commander prior to implementation.**

- * During the course of the incident, negotiators will maintain a chronological log of events.

Whenever possible, the negotiation should be tape recorded for evidentiary and training purposes.

- * Only trained police negotiators should communicate directly with the suspect(s). The use of family members, employers, boyfriends / girlfriends, etc. to speak directly with the suspect(s) should be done with caution and only if what is to be said is well scripted and rehearsed. The use of non-police negotiators is normally discouraged and should only be done with the approval of the CNT Team Leader.
- * The negotiator is never the ultimate decision maker.
- * Negotiators should attempt to obtain a clear definition of the personal demands and grievances of the suspect(s).
- * Negotiators will appear to bargain for anything that is suggested by the suspect(s); however, the Department will not provide the suspect with weapons, ammunition, an exchange of hostages (a volunteer to replace a hostage), drugs or alcohol.
- * Negotiators should attempt to gain tactically significant concessions and/or information from and about the suspect(s). Any information obtained must be immediately relayed to the ranking CNT supervisor and the SWAT/CNT Commander.

Note: Generally, a tactical (SWAT) liaison officer will be assigned from CNT. He/she will pass relevant tactical information directly to the SWAT command post, with the assistance of a Tactical Dispatcher.

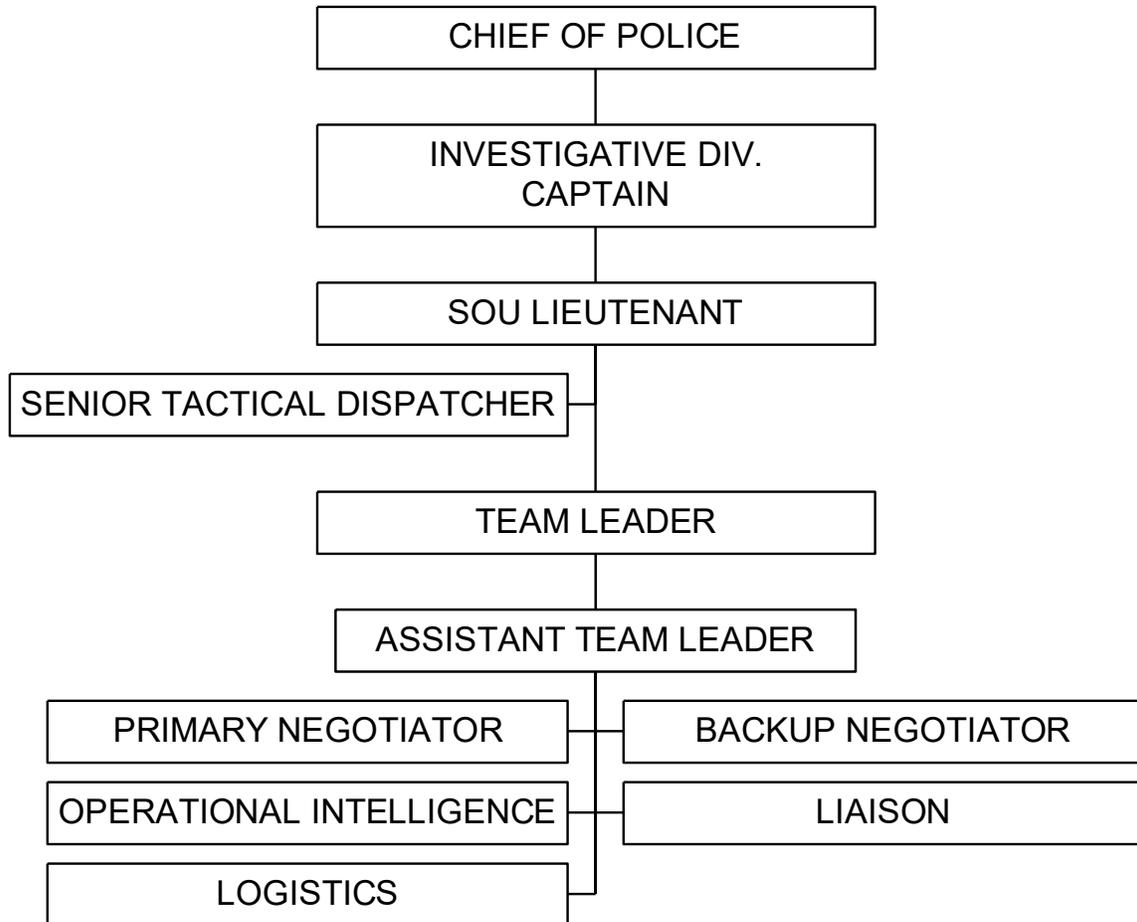
- * Barricaded suspect(s) and/or hostage-takers shall not be permitted to leave the containment area unless it is to the advantage of the police. Any negotiated movement of hostages or suspects must be cleared through the SWAT/CNT Commander.
- * Hostages may eventually form a bond with the suspect(s) and are generally not to be

trusted or given confidential information.

- * The placing of a hood over the head of one or more of the hostages poses a serious threat to safety of the hostage(s). Under these conditions, a tactical solution should be strongly considered. The decision to continue or discontinue negotiations is the responsibility of the SWAT/CNT Commander.
- * No one, regardless of rank or position, retains authority if taken hostage.
- * Even when no apparent progress toward a resolution is evident, negotiators should continue their attempt to make contact and establish a rapport with the suspect(s). The decision to continue or discontinue negotiations is the responsibility of the SWAT/CNT Commander.

Crisis Negotiation Team

ORGANIZATION CHART



Crisis Negotiation Team

SUBJECT: TEAM LEADER: DUTIES AND RESPONSIBILITIES

2.1 TEAM LEADER

The CNT Team Leader will have the overall responsibility to direct the unit on a daily basis.

2.1.1 AT INCIDENTS

A. CNT Team Leader responsibilities:

1. respond to CNT call-outs
2. be in overall command of the CNT portion of the incident.
3. report to the SWAT/CNT Commander
4. Assign the following duties to responding CNT members:
 - a. Primary negotiator
 - b. Secondary negotiator
 - c. Intelligence officer
 - d. Chronographer
 - e. Liaison Officer
 - f. Logistics

B. Additionally, the CNT Team Leader shall:

1. be briefed by the SWAT/CNT Commander
2. serve as a resource to the SWAT/CNT Commander
3. continually provide the SWAT/CNT Commander with progress reports during the incident, including the tactics being used by the negotiators
4. relay intelligence information between the CNT Team Leader and the SWAT Team Leader
5. brief ranking officers on the progress and tactics used by CNT personnel
6. request the services of the Department psychologist when needed

2.1.2 GENERAL RESPONSIBILITIES

- A. General: The CNT Team Leader shall periodically review all policies and procedures of the unit and is responsible to ensure that the unit goals and objectives are met.

- B. Responsibilities:
 - 1. The unit is appropriately staffed and functioning at a high state of readiness with properly trained personnel and state-of-the-art equipment
 - 2. Department administrators are kept informed of CNT training, personnel status and incidents of note via the chain-of-command
 - 3. CNT budget requests are properly prepared and submitted
 - 4. CNT overtime is properly supervised, recorded and tracked
 - 5. CNT records and files are properly maintained and updated
 - 6. Inspections of CNT operations are periodically conducted to:
 - a. verify compliance with procedures and policies
 - b. determine training and equipment needs
 - 7. Liaison is maintained with other agencies to keep informed about new or advanced techniques and equipment
 - 8. Approving authority for all training requests (including non-CNT members) for negotiations schools; coordinates all approved training requests with Training Coordinator
 - 9. Contact for all media inquiries
 - 10. Writes thank you letters to citizens who have provided a service or been inconvenienced during an CNT mission

2.1.3 COLLATERAL DUTIES

The CNT Team Leader shall also:

1. Chair the selection panel for prospective CNT members
2. Coordinate multi-agency training, conferences and seminars where SVPD is the lead agency in hosting the event

Crisis Negotiation Team

SUBJECT: ASSISTANT TEAM LEADER: DUTIES AND RESPONSIBILITIES

2.2 ASSISTANT TEAM LEADER

General: The CNT Assistant Leader shall have direct operational control of negotiations and the responsibility to direct the unit in the absence of the Team Leader.

2.2.1 AT INCIDENTS

A. CNT Assistant Leader responsibilities:

1. respond to CNT call-outs
2. directly control intelligence, liaison, and negotiations at an incident
3. report to the CNT Team Leader

B. Additionally, the Assistant Team Leader shall:

1. select the location and facilitate the setup of the negotiations center
2. coordinate the gathering of intelligence
3. regularly debrief the negotiators, review tactics, and plan tactical communications
4. provide the CNT Team Leader with continuing progress reports during the incident
5. review the effectiveness of team members in their respective roles and reassign as necessary

2.2.2 GENERAL RESPONSIBILITIES

A. General: The CNT Assistant Team Leader shall be responsible for team training and ensure that the unit goals and objectives are met.

B Responsibilities:

1. Ensure that team members attend mandatory training events, such as team training sessions, joint trainings, and quarterly conferences.
2. Ensure that team members are adequately trained on the use of CNT equipment.
3. Regularly audit and inspect CNT equipment for proper operation
4. Determine training and equipment needs.
5. Monitor CNT operations to ensure compliance with Department policy.

Crisis Negotiation Team

SUBJECT: TEAM MEMBERS: DUTIES AND RESPONSIBILITIES

2.3 TEAM MEMBERS

2.3.1 RESPONSIBILITIES

A. GENERAL RESPONSIBILITIES

1. To be "on call" and be immediately available (not taking more than 45 minutes to report to an incident located anywhere within our jurisdiction) when assigned to the On-Call Team.
2. If a member has consumed alcohol or is taking prescribed medication which would or might affect his / her ability to function as a CNT member, the member **must** notify the Team Leader.
3. To keep the Team Leader informed of any change(s) in address, home phone number, work assignment, work phone number and/or pager number.
4. To attend all on-call incidents, mandated meetings, quarterly conferences and scheduled training.
5. To notify the Team Leader of any conflict in scheduling. All requests must be made in writing, and submitted via e-mail or Department memo.

B. MANDATORY EQUIPMENT

1. Each member must wear, or have in his / her immediate possession, the following Department issued equipment:
 - a. Vest- The Department issued ballistic vest **must be worn** upon arrival at all incidents, and may only be removed with the permission of the CNT Team Leader or CNT Commanding Officer

- b. Department Authorized Weapon
 - c. Motorola Radio with earpiece and extra battery
 - d. POLICE windbreaker (raid jacket)
 - e. Thomas Brothers map book
 - f. flashlight & fresh batteries
 - g. notebook & pens or pencils
2. It is highly recommended that each CNT member also have immediately available the following personal equipment when on-call:
- a. warm clothing- suggested clothing includes, but is not limited to long underwear or sweat clothes, sweater or windbreaker and rain-gear
 - b. hat- to provide sun protection
 - c. aspirin
 - d. snacks
 - e. bottled water

Crisis Negotiation Team

SUBJECT: TEAM MEMBER ASSIGNMENTS

2.4 ASSIGNMENTS

At an incident scene, trained negotiators may be assigned to perform any of the following functions:

A. PRIMARY NEGOTIATOR (MANDATORY)

1. If there is no equipment operator:
 - a. sets up the equipment
 - b. activates tape recorder when communicating (either speaking or listening) to either the suspect(s) or hostage(s)
2. Establishes contact with the suspect(s), and exclusively deals with the suspect(s) until relieved
4. Disposition of audio tapes used during a negotiation:
 - a. When the suspect **IS TO BE CHARGED** with one or more crimes:
 - 1) It is the responsibility of the primary negotiator to book the tapes into evidence used during the negotiation
 - 2) The Property Report is to be attached to the Crime/Arrest Report, and
 - 3) A copy of the Property Report is to be attached to the CNT Incident Report.
 - b. If the suspect(s) **WILL NOT BE CHARGED** with a crime, the audio tape should be given to the Team Leader who will submit the tape(s) with the CNT incident After-Action Report

B. SECONDARY NEGOTIATOR (MANDATORY)

1. If there is no equipment operator:
 - a. assists the primary negotiator in setting up the equipment
 - b. operates the equipment during the negotiation
 - c. responsible for securing the equipment and accountability of all equipment at the conclusion of the incident
 - d. responsible for the replacement of expendable supplies (e.g. batteries, notebooks, etc.)
2. Works directly with the primary negotiator and offers assistance and/or suggestions as appropriate
3. Monitors all conversations between the primary negotiator and the suspect(s) and/or hostages
4. Keeps the Negotiator's Summary Checklist (see Appendix VI)
5. Reports any tactically sensitive information to Team Leader.
6. Keeps Team Leader informed of general progress of the negotiations.

C. INTELLIGENCE (MANDATORY)

If staffing allows, two CNT members may be assigned to intelligence

1. Gathers intelligence on the suspect(s) and/or hostage(s) for the negotiators, Team Leader, SWAT Commander and the Incident Commander.
2. Debriefs those who may have tactical or intelligence information relating to the critical incident. This includes but is not limited to escaped or released hostages, family members or friends of the suspect(s), surrendered suspects, etc.

Note: **Interrogation of captured accomplice(s) is the primary responsibility of the appropriate investigative unit; however, CNT and tactical personnel should be allowed to question any suspect, accomplice or hostage in police custody, in order to obtain information that might assist them in obtaining a successful resolution to the incident.**

E. LOGISTICS

1. Sets up the equipment upon arrival
2. Responsible for the operation of the equipment during the negotiation
3. Activates tape recorder when communicating (either speaking or listening) to either the suspect(s) or hostage(s)
4. Responsible for the securing the equipment and accountability of all equipment at the conclusion of the incident.
5. Responsible for the replacement of expendable supplies (e.g. batteries, notebooks, etc.)

F. LIASON

This position may be staffed by any CNT member and will function as a link between CNT and SWAT operations.

1. Provides intelligence updates to the SWAT Commander, SWAT Team Leader and SWAT Team Operator.
2. Coordinates intelligence requests from the CNT and SWAT Team.
3. Monitors the progress of negotiations and notifies SWAT members when negotiations have been stopped or reinitiated.
4. Responsible for booking Negotiator Log, Witness Information and Background Investigation booklets into evidence.

Crisis Negotiation Team

SUBJECT: TACTICAL DISPATCH

2.5 TACTICAL DISPATCHER

Tactical Dispatchers will generally have the responsibility for all radio / mobile data computer communications at any CNT incident.

2.5.1 AT INCIDENTS

- A. Senior Tactical Dispatcher responsibilities:
 - 1. respond to CNT call-outs
 - 2. direct the Tactical Dispatch segment at the incident
 - 3. report to the SWAT/CNT Commander
 - 4. assign Tactical Dispatch personnel to duties as required:
 - a. Tactical Liaison Dispatcher
 - b. Intelligence

- C. Additionally, the Tactical Dispatchers shall:
 - 1. debrief communications personnel handling the initial call
 - 2. assist Command and CNT staff in gathering equipment
 - 2. establish the tactical communications center for the incident
 - 3. test communications prior to deployment of on-scene personnel
 - 4. set up Tactical/Operational information charts
 - 5. begin a detailed incident log
 - 6. create and maintain a roster of all personnel involved in the incident
 - 7. prepare a type written synopsis of the incident log for inclusion in the after action report

2.5.2 GENERAL RESPONSIBILITIES

- A. General: Refer to Communication Unit Order 218.

Crisis Negotiation Team

SUBJECT: TRAINING

3.1 TRAINING OBJECTIVES

3.1.1 Unit Training

A. Training Plan

The CNT will conduct annual training to ensure that members are familiar with the equipment and prepared to function under stressful conditions. CNT Officers will be required to attend a minimum 12 hours of training quarterly. The annual training plan opportunities will consist of the following:

1. six formal CNT training days organized and directed by Team members, with varying training hour opportunities
2. joint SWAT / CNT field simulations held quarterly, each offering 8 hours of training in simulated negotiations
3. California Association of Hostage Negotiators training days, that include three 8 hour meetings yearly and one 40 hour training conference at which guest speakers and/or formal training is presented.

3.1.2 PERSONNEL QUALIFICATION STANDARDS

- ###### **A. Refer to Section 3.6.1, "Selection of New Members".**

Crisis Negotiation Team

SUBJECT: CNT CALL-OUTS

3.2 CNT CALL-OUT PROCEDURE

The procedures for the use of Emergency Negotiators are found in General Order Section 0819 of the Department's Policy and Procedures Manual. The following guidelines are an enumeration of that Order.

3.2.1 CRITERIA FOR CALL-OUT

Per Department Policy 8.5, Section IV, paragraph G, *an Incident Commander is required to request the Crisis Negotiations Team for all incidents when a SWAT callout has been requested, or when police are dealing with a hostage-taker.*

By definition, a hostage is any person seized or kidnapped by another, or whose life or safety the perpetrator who intends to evade arrest, escape, obtain the release of prisoners, obtain money or property, or attain any other purpose through the use of force threatens. The Incident Commander has the discretion whether CNT will be used in an advisory or fully operational capacity.

The use of negotiators is also highly recommended in situations involving barricaded subjects. By definition, a barricaded suspect is any person who claims to be, or who is in fact armed with a weapon, explosive or any other destructive or dangerous device, who has restricted his / her own movements and/or fortifies a fixed location, and who violently or by threat of violence, resists apprehension.

Along with these guidelines, Crisis Negotiators are highly recommended for other related situations such as suicidal individuals, sniper incidents, ambush incidents, crimes in progress and high risk warrant service where the suspect may initially refuse to surrender.

In the event that the subject of a SWAT/CNT activation is found to be an active or retired employee of the Simi Valley Police Department, sworn or non-sworn, it is recommended that functional responsibility for the incident be transferred to another law enforcement agency as soon as practical.

3.2.2 CNT CALL-OUT PROCEDURE

A. GENERAL

When the Field Sergeant has determined that CNT personnel may be needed, the following procedure shall be used:

1. Total decision making authority and responsibility regarding whether or not to use CNT personnel belongs to the Incident Commander (regardless of rank) in charge of police response to an incident.
2. If the Incident Commander decides that CNT personnel are needed, he/she shall contact the Watch Commander via the radio or land-line and request the CNT Team Leader be notified.
3. The Watch Commander shall notify the CNT Team Leader who will then notify the CNT Commanding Officer and other members of his / her team to respond in the following manner:
 - a. CNT Team Leader pages his / her team on the group page
 - b. CNT team members en route to the call will respond on the radio using the operational frequency on which the incident is being monitored
 - c. CNT team members will remain on this frequency until they arrive at the scene.
4. Upon arrival at the command post, responding CNT personnel shall check-in with Personnel Officer and the CNT Chronographer (if one is present), or note and record the time of arrival.

C. USE OF CITY VEHICLE

1. **CNT members are to obey all state and local traffic laws while en route to a call-out.**

Crisis Negotiation Team

SUBJECT: COMMAND AND CONTROL

3.3 COMMAND AND CONTROL

3.3.1 COMMAND RESPONSIBILITY

At the scene of any major or unusual occurrence, command of all police personnel will be vested with the Incident Commander. The CNT and his / her team are subordinate and responsible to the Incident Commander, through the SWAT/CNT Commander.

CNT Team Leaders (sergeants) receive operational missions from the Incident Commander (normally relayed through the ranking CNT representative assigned to the Command Post). CNT Team Leaders retain functional command of the negotiators and the strategy to be used during the incident. CNT personnel shall take all orders and directives from the team leader.

3.4.2 ASSUMPTION OF COMMAND

- A. An officer of superior rank may assume command from an existing Incident Commander at any time during a critical incident.
- B. When an officer of superior rank arrives, that officer shall be briefed as soon as practical by the CNT Commanding Officer. Unless specifically relieved by either the CNT Commanding Officer or by a senior ranking officer who has explicitly announced assumption of command, the CNT Sergeant (Team Leader) shall direct the negotiations including, but not limited to, the tactics to be used.
- C. The mere presence of a superior officer at the scene of a critical incident shall not indicate assumption of command. The superior officer shall remain in an advisory/support capacity unless overall command is assumed and announced. In such an advisory capacity, superior officers shall not issue orders or direct the activities of CNT personnel.

Crisis Negotiation Team

SUBJECT: EQUIPMENT

3.4 EQUIPMENT

3.4.1 GENERAL GUIDELINES

Overall responsibility for CNT equipment rests with the CNT Sergeant. The following guidelines concerning equipment shall be observed:

A. TRAINING REQUESTS

All requests for training on any of the unit equipment shall be made to the CNT Sergeant.

B. FIELD REQUIREMENTS

At the beginning of each month, the CNT team sergeant shall designate one team member to be responsible for the primary CNT equipment. This equipment will include the following:

1. CNT call box (delivery phone)
2. AT&T Hostage Phone system
3. remote bullhorn
4. binoculars
5. easel, paper and pens
6. miscellaneous equipment kit (containing extra telephone cable, power cords, adapters, tape recorder, etc.)

Additionally, the following equipment is stored in the SWAT Armory.

7. spare throw phone sets
8. spare bullhorns
9. phone cables
10. writing pads, pens and felt-tip pens

C. CHECK-OUT PROCEDURE

1. The CNT equipment needed for a negotiation is stored in the CNT storage area.
2. The team member assigned to carry the equipment will be responsible for ensuring the following:
 - a. all supplies used during an incident are restocked

D. SECURITY

The team member assigned to carry the equipment is responsible for the security of the equipment while under his / her control.

E. LOANING OR BORROWING OF EQUIPMENT

1. Requests for additional or special equipment (such as listening devices) should be directed to the CNT Commanding Officer who will then make the appropriate arrangements to access such equipment.
2. CNT equipment belonging to the Simi Valley Police Department is not to be loaned to other Department units or outside agencies without the approval of the CNT Commanding Officer. Generally, a member of the SVPD CNT would accompany any short-term loan of equipment.

F. REQUESTS FOR NEW EQUIPMENT

Requests for purchase of additional equipment or for research into new technology items should be made to the CNT Sergeant.

Crisis Negotiation Team

SUBJECT: PSYCHOLOGIST CALL-OUT

3.5.1 GENERAL

During certain negotiations, the use of a psychologist as a resource to the CNT could be beneficial in successfully resolving the incident.

Note: **The psychologist is to be used strictly as a consultant / advisor, and not as a negotiator.**

3.5.2 CALL-OUT PROCEDURE

- A. The decision to call a Department psychologist to an incident, as a resource to CNT, lies with the CNT Commanding Officer or his / her designee.
- B. The Incident Commander is to be informed that the Department psychologist has been called out.

Crisis Negotiation Team

SUBJECT: SELECTION OF NEW MEMBERS

3.6.1 QUALIFICATIONS

A. GENERAL

When one or more vacancies exist on the CNT, a recruitment memo may be distributed for the purpose of soliciting applications.

B. ANNOUNCEMENT (QUALIFICATIONS)

Applicants must possess a minimum of the following qualifications:

1. Receive a favorable recommendation from his / her commanding officer
2. Have outstanding interpersonal and communication skills
3. Have the ability to remain poised and calm in stressful situations
4. Be able to respond to any area in the jurisdiction of the SVPD within 45 minutes
5. Although not essential, bilingual and multi-cultural sensitive applicants are encouraged to apply.

**Simi Valley Police Department
Crisis Negotiation Team**

SUBJECT: SUPERVISOR'S CHECKLIST SUMMARY

INITIAL INFORMATION

A. Date(s) of incident: Begin _____ End _____

Time(s) of incident: Begin _____ End _____

Time of CNT call-out: _____

Incident number (Obtain from Communications): _____

SVPD Case Number: _____

CNT case number: _____

B. Location of incident: _____

C. Call-out & Times of arrival:

Phone	Called	Name	Arrive
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Synopsis of incident:

Estimated Number of Suspect(s): _____
male(s) female(s)

Hostage(s): _____
None Adult Adult Male Female
Men Women Children Children

E. Command Staff

Incident Commander: _____ ID # _____

SWAT Commander: _____ ID # _____

F. Negotiation Command Post

Location: _____

Telephone(s): _____

G. Assignments (last name only)

Primary Negotiator: _____

Secondary Negotiator: _____

Intelligence: _____

Logistics: _____

Liaison: _____

CONTAINMENT

Time Confirmed by: _____

A. Perimeter set /
suspect contained _____

B. Suspect(s) aware of containment? YES / NO

PHONE CONTACTS

A. Authority

Section 7907 of the Public Utilities Commission Code authorizes the Telephone Company to provide unlisted telephone numbers and full cooperation in isolating both incoming and outgoing calls to a telephone service in emergency situations when requested by a police supervisor.

B. Numbers to Communications (Confidential)

The SVPD Communications Manager may be directly accessed by calling any of the following numbers:

1. 805-583-6209 Office
2. 805-583-6937 Communications Center

C. ISOLATING THE SUSPECT'S TELEPHONE SERVICE

1. Obtain subject's telephone number from Police Communications. If the number is non-published, tell Communications that you will be contacting the telephone service provider for assistance, and that Communications should expect a call from that provider asking for verification of the isolation request.
2. Call the duty Pacific Telephone Special Agent at (800) 421-2568.

Note: Tell Pacific Telephone that they can verify your request for assistance by calling Police Communications at any of the numbers listed in paragraph B.

Suspect phone number(s): _____

3. Ask resident / landlord / witness / victim / phone company if other phone lines (including FAX or computer modems) are at address.

Other number(s) (e.g. cell phone, fax line, etc): _____

COMMAND POST SET-UP

- A. Ensure that the following steps have been completed prior to beginning negotiations:
- _____ 1. privacy for the negotiators
 - _____ 2. all parties have been thoroughly briefed
 - _____ 3. the equipment is properly set-up (including the tape recorder and a monitoring speaker away from the negotiators)
 - _____ 4. the Secondary Negotiator is using the Chronological Report Form to record the progress of the negotiation
 - _____ 5. communications has been established between the CNT command post and the CNT Commanding Officer
 - _____ 6. flip chart to display significant events
 - _____ 7. position papers.
- B. **PRIOR TO INITIATING CONTACT WITH THE SUSPECT(S), OBTAIN PERMISSION FROM THE INCIDENT COMMANDER (VIA THE CNT COMMANDING OFFICER) TO BEGIN NEGOTIATIONS**

NEGOTIATION

1. Monitor the performance of the primary and secondary negotiators.
2. Keep the CNT Commanding Officer informed of all developments (e.g., demands, threats, deadlines, etc.) and tactical information obtained during the negotiation.
3. Notify the CNT Commanding Officer of any significant break in communication, or resumption of contact with the suspect(s).
4. Immediately notify the CNT Commanding Officer of any change in strategy, or change of negotiators. Ensure that the change was also noted on the Chronological Report Form.
5. Ensure that the Scribe records all pertinent information on the flip chart for easy reference.
6. If a prolonged negotiation, arrange for refreshments, food, etc. Consider requesting

relief negotiators.

7. During the surrender phase, ensure that the negotiators have coordinated with SWAT.

Time of Surrender / Tactical Solution: _____

AFTER ACTION

A. NOTIFICATIONS

IMMEDIATELY NOTIFY THE TELEPHONE COMPANY THAT THE INCIDENT IS OVER AND NORMAL SERVICE CAN BE RESTORED.

B. AFTER ACTION REPORT (Appendix II)

1. Prepare the After Action Report

**Simi Valley Police Department
EMERGENCY NEGOTIATIONS TEAM
AFTER-ACTION REPORT**

I. GENERAL

A. INCIDENT LOCATION: _____

B. INCIDENT DATE(S) & TIME(S): _____

C. CNT NOTIFIED: _____

D. SVPD CASE #: _____

E. INCIDENT COMMANDER: _____

F. SWAT COMMANDER: _____

G. NOTIFICATIONS & ASSIGNMENTS: **Notified** **Arrived**

1. _____ _____ _____
 CNT TEAM LEADER

2. _____ _____ _____
 CNT ASSISTANT TEAM LEADER

3. _____ _____ _____
 PRIMARY NEGOTIATOR

4. _____ _____ _____
 SECONDARY NEGOTIATOR

5. _____ _____ _____
 INTELLIGENCE

6. _____ _____ _____
 LOGISTICS

7. _____ _____ _____
 LIAISON

Crisis Negotiation Team

After Action Report

Date:

SVPD CASE: _____

Page 2

F. SUSPECT(S) INFORMATION

1. **NAME:** _____ **DOB:** _____

ADDRESS: _____

SS #: _____ **DRIVER LIC #:** _____

TELEPHONE: _____ **VEHICLE TYPE & LICENSE:** _____

2. **DEMAND / REASON:** _____

3. **OBJECTIVE:** _____

II. SYNOPSIS OF EVENT

III. EQUIPMENT (Include disposable items)

IV. SUPERVISOR: _____

Simi Valley Police Department
911 / EXIGENT CIRCUMSTANCES FORM

DATE:

TO:

FROM:

SUBJECT: REQUEST FOR EMERGENCY SERVICE

1. AUTHORITY

Section 7907 of the Public Utilities Code authorizes any telephone company to provide both confidential telephone numbers and technical assistance in isolating telephones during police emergencies.

2. BACKGROUND

On the date and time listed below, the Simi Valley Police Department's Crisis Negotiation Team responded to a critical incident. Based on the information we have obtained, we believe there is an immediate threat of death or serious physical injury. As such, we request you promptly provide us with the following information so we may render assistance.

Check appropriate topics

- Unlisted telephone number(s)
Isolation of one or more telephones
Providing supervisor with security personnel
Other:

3. INCIDENT

Date(s) & Time(s): From End

SVPD Case Number:

Location:

Telephone Number(s) Affected:

Reason for Request:

Simi Valley Police Department

Supervisor making Request: ID #

Work Telephone Number:

**Simi Valley Police Department
Crisis Negotiation Team**

SUBJECT: NEGOTIATOR'S SUMMARY CHECKLIST

4.2.1 CHECKLIST

I. GENERAL INFORMATION

A. CNT LEADER: _____

B. Police Radio Communications channel: _____ scrambled/clear

C. CNT Command Post

Location: _____

Telephone number(s): _____

II. INCIDENT INFORMATION

A. Suspect(s) _____

Location: _____

Telephone number(s): _____

B. What occurred:

C. When did the incident start: Date _____ Time _____

D. Who called the police: _____

Relationship: _____ Present location: _____

Negotiator's Summary Checklist

Page 2

- E. Isolation
 - Has an inner perimeter been established? YES / NO
 - Is (are) the suspect(s) contained? YES / NO

- F. Utilities
 - Status of the following utilities:
 - 1. power/gas connected / disconnected
 - 2. plumbing connected / disconnected
 - 3. telephone connected / disconnected

III. PERMISSION TO BEGIN NEGOTIATIONS

Granted
 at: _____ (time)
 by: _____ (supervisor)

Primary Negotiator: _____
 Signature

Secondary Negotiator: _____
 Signature

IV. SUSPECT INFORMATION

A. Estimated number of **suspect(s)**: Male(s)___ Female(s)___

Name(s)- (if known)	Description / other information
1. _____	_____
2. _____	_____
3. _____	_____

B. Weapons: weapons involved?
 YES / NO: If yes, what?

1. _____
 Cal Make Amount of Ammo

Negotiator's Summary Checklist

Page 3

2. _____
Cal Make Amount of Ammo

3. _____
 Other

Reported by _____

Location of person reporting: _____

Verified: NO / YES, by: _____

C. Shots fired?
 YES / NO: If yes, intended victim? _____

D. Injuries:

	<u>YES</u>	<u>NO</u>	<u>DESCRIBE</u>
1. Police personnel	_____	_____	_____
2. Hostage(s)	_____	_____	_____
3. Suspect(s)	_____	_____	_____
4. Other(s)	_____	_____	_____

E. Contact with the suspect(s)

1. Has anyone made contact with the suspect(s)?
 YES / NO: If yes,
 By whom: _____
 Present location: _____

2. When: _____ How: _____

3. Anything promised?
 YES / NO: If yes,
 What was promised: _____
 By whom: _____

F. Suspect(s) motivation

1. Reasons for action: _____

2. Requests: _____

3. Demands: _____

G. Suspect ultimatums:

1. Consequence(s): _____

2. Deadline(s): _____

3. Special Conditions or instructions (such as alarms, lights, sound systems, locks, time mechanisms, etc.)

H. Is (are) the suspect(s) under the influence of alcohol or drugs?

YES NO UNKNOWN _____

I. Location of suspect(s): 1) _____

2) _____

V. HOSTAGE INFORMATION

A. Estimated number of hostage(s):

None	_____	_____	_____	_____
	Adult	Adult	Male	Female
	Men	Females	Children	Unknown Children

B. Identification of hostages (if known)

Name(s) Description / Characteristics / Needs / Medical problems / etc.

1 _____

2 _____

Negotiator's Summary Checklist
Page 5

3 _____

4 _____

5 _____

6 _____

Crisis Negotiation Team

SUBJECT: SUGGESTIONS FOR NEGOTIATORS

I. OPENING STATEMENTS

I am (state name) with the Simi Valley Police Department

What can I call you?

Are you OK?

Talk to me about what is happening.

We don't want the situation to get any worse.

I'd like to hear your side.

Could you share that with me?

I guess that's pretty important to you.

I would really like to do that, but ...

I'll try to get it for you.

How do you want it?

That's just the rules. My boss won't allow that.

Some idiot (cut the wires/ turned off the water/ etc.)

Describe it to me.

They may be closed.

Do you know the telephone number?

II. OPEN-ENDED QUESTIONS

Tell me more about how you see this.

How do you perceive the situation?

Help me understand the situation.

Can you tell me more about the situation?

What are alternatives you have thought about?

How did you decide that?

What did you mean by?

What are some good things about that idea?

In what ways is this important to you?

What other possibilities are there?

What might some of the consequences be if you?

What were the things that led up to this?

What made you decide that?

Where would that lead?

What have you done so far about that idea?

Explain this to me again.

I'm having a hard time understanding this.

Where would you like to go with this idea?

What are some other ways you've thought about?

III. ACTIVE LISTENING STARTERS

A basic idea of active listening is demonstrating to the other person that you are listening to them, there is room for them to correct themselves if they wish to or you've heard it wrong, and to make them feel heard. Active listening takes practice. Here are some lead-in phrases to help you summarize, acknowledge, rephrase and paraphrase.

I'm picking up that.....

As I heard it, you felt.....

Sort of a feeling that.....

Sort of saying that.....

If I'm hearing you correctly,.....

To me, it's almost like you're saying.....

Kind of made you feel.....

The thing you feel most is.....

So, as you see it.....

What I guess I'm hearing is.....

I'm not sure I'm with you, but.....

I somehow sense maybe you feel.....

I wonder if you're expressing a concern that.....

You place a high value on.....

Like right now you believe.....

You appear to be feeling.....

As I hear it, you.....

The message seems to be.....

Listening to you, it seems as if.....

IV. RAPPORT BUILDERS

Unemployment

Termination of employment

Question self-worth

Financial problems

Business failure

Any failure

Chronic pain

Terminal disease

Military service

Vietnam experience

Marital problems

Divorce

Child visitation problems

Teenage children

Parental senility

Mercy killing

Governmental "Red Tape"

Demands by authority

Crisis Negotiation Team

SUBJECT: BACKGROUND INVESTIGATION/SUSPECT & HOSTAGE

SUSPECT () Incident Location: _____
 HOSTAGE () Incident Date: _____
 Incident Time: _____
 Incident Number: _____
 SVPD Case #: _____
 CNT Case #: _____

Incident: _____

I. IDENTITY

Name: _____
 Last First MI Nickname

Age DOB Driver's License # State _____

Alias Type Expiration date

Social Security # Prior Driver's License # State

Picture on License? yes / no Requesting FAX? yes / no

Current Address: _____
 Number Street Apt. #

City State Zip Code

Phone: _____ 2nd phone: _____
 Area Number Area Number

III. EMPLOYMENT

1. _____
Name of Employer

Address

() _____
Area Phone number Ext Normal work hours

Title _____
Job Description

Years _____ Months _____ \$ _____
Tenure with company Salary Per

Name of supervisor () _____ Ext

Area Phone number

Performance/problems

2. _____
Name of Employer

Address

() _____
Area Phone number Ext Normal work hours

Title _____
Job Description

Years _____ Months _____ \$ _____
Tenure with company Salary Per

____ () _____
Name of supervisor Area Phone number Ext

Performance/problems

3.

Past Employer

Address

() _____ \$ _____ per _____
Area Phone number Ext Salary

Title Job Description

Dates of Employment Reason for leaving

Name of supervisor () _____
Area Phone number Ext

Performance/problems

IV. CRIMINAL HISTORY

Does subject have a criminal history: YES / NO; If yes,

A. RAP SHEET

DATE	CHARGE(S)	AGENCY	DISPOSITION	PROBATION	PAROLE

B. PROBATION / PAROLE OFFICER (Circle one if applicable)

Name: _____ Phone: _____

Terms: _____ Date last contacted: _____

Comments: _____

4th Amendment waiver- Search & Seizure: YES / NO

C. FI's

DATE	AGENCY	CRIME	LOCATION	VEHICLE	VEH LIC	COMPANIONS

D. DRUG/NARCOTICS USE: YES / NO; If yes:

SOURCE OF INFORMATION	TYPE OF DRUG USED	FREQUENCY OF ABUSE	LAST USED	POSSIBLE REACTIONS

E. GANG INVOLVEMENT: YES / NO; If yes,

1. Claims: _____

2. Gang File: _____

3. Known Gang Associates:

NAME	MONIKER	AGE	ADDRESS	PHONE

F. TERRORIST INVOLVEMENT: YES / NO; If yes:

1. Claims: _____

2. Political Objective: _____

3. Home Based: _____

4. Recognized Leader: _____

5. Prior Targets/Actions: _____

Date: _____ Description: _____

Resolution: _____ #Injured/killed: ___ / ___

V. WEAPONS

Are weapons available: YES / NO; If yes,

	CALIBER	MODEL	SERIAL NUMBER
HANDGUNS			
RIFLES			
SHOTGUNS			

SPECIALIZED TRAINING

Weapons: _____

Explosives: _____

Other: _____

VII. HEALTH

1. Overall health condition:
Excellent Good Fair Poor Terminal Suicidal

2. Medical / psychological Problems: _____

3. Medication(s): _____

Dosage: _____ How often administered: _____

Likely result if not taken: _____

4. Does subject have gay / lesbian tendencies: YES / NO

5. Has subject been suicidal in the past: YES / NO

6. Doctor: _____

Address: _____

Phone: _____ Specialty: _____

7. In the doctor's professional opinion, would the following pose a threat to the subject's health?

a. CS gas YES / NO

b. Flash bang YES / NO

c. Prolonged periods without rest YES / NO

d. Prolonged periods without food YES / NO
Time of information obtained from the doctor: _____

Background Investigation

Page 9

VIII. RELATIVES / CLOSE ACQUAINTANCES

Is the subject married: YES / NO; if yes

1. Current spouse's name: _____
Occupation: _____
Work address: _____
Work phone: _____

Status: a. living together
b. separated
c. divorced

Relationship: a. very good
b. good
c. fair
d. poor
e. hostile

Address and phone number of current spouse if not residing with subject:

Address: _____
Phone: _____

2. Former spouse(s):

Name: _____ Remarried: YES NO

Address: _____ Phone: _____

Occupation _____

Work address: _____

Work phone: _____ Comments: _____

Relationship: very good good fair poor hostile

Background Investigation

Page 10

Name: _____ Remarried: YES NO

Address: _____ Phone: _____

Occupation: _____

Work address: _____

Work phone: _____ Comments: _____

Relationship: very good good fair poor hostile

3. Boyfriend / girlfriend:

Name: _____ Dating how long: _____

Address: _____ Phone: _____

Occupation: _____

Work address: _____

Work phone: _____ Comments: _____

Relationship: very good good fair poor hostile

4. Family

A. Father

Name: _____ Age: _____

Address: _____ City / State: _____

Phone: _____ Occupation: _____

Work address: _____ Work phone: _____

Relationship: very good good fair poor hostile

Background Investigation

Page 11

B. Mother
Name: _____ Age: _____

Address: _____ City / State: _____

Phone: _____ Occupation: _____

Work address: _____ Work phone: _____
Relationship: very good good fair poor hostile

C. Step-Father
Name: _____ Age: _____

Address: _____ City / State: _____

Phone: _____ Occupation: _____

Work address: _____ Work phone: _____
Relationship: very good good fair poor hostile

D. Step-Mother
Name: _____ Age: _____

Address: _____ City / State: _____

Phone: _____ Occupation: _____

Work address: _____ Work phone: _____
Relationship: very good good fair poor hostile

E. Brother/sister
Name: _____ Age: _____

Address: _____ City / State: _____

Phone: _____ Occupation: _____

Work address: _____ Work phone: _____

Relationship: very good good fair poor hostile

Background Investigation

Page 12

F. Brother/sister

Name: _____ Age: _____

Address: _____ City / State: _____

Phone: _____ Occupation: _____

Work address: _____ Work phone: _____

Relationship: very good good fair poor hostile

5. Acquaintances

F. Roommates

Name: _____ Age: _____

Address: _____ City / State: _____

Phone: _____ Occupation: _____

Work address: _____ Work phone: _____

Relationship: very good good fair poor hostile

Name: _____ Age: _____

Address: _____ City / State: _____

Phone: _____ Occupation: _____

Work address: _____ Work phone: _____

Relationship: very good good fair poor hostile

6. Education

High School Attended _____ Graduated YES / NO
College / University _____ Graduated YES / NO
Dates Attended: _____ to _____ GPA: _____ Major: _____

Background Investigation
Page 13

IX. OTHER DATA/ NOTES

Name of Negotiator obtaining information: _____

Background Investigation

WITNESS INFORMATION

WIT # ___ Name: _____ DOB: _____
Address: _____ Phone: _____
Occupation: _____ Phone: _____ Ext _____
Work address: _____
Statement: _____

WIT # ___ Name: _____ DOB: _____
Address: _____ Phone: _____
Occupation: _____ Phone: _____ Ext _____
Work address: _____
Statement: _____

WIT # ___ Name: _____ DOB: _____
Address: _____ Phone: _____
Occupation: _____ Phone: _____ Ext _____
Work address: _____
Statement: _____

WITNESS INFORMATION (Continued)

DIAGRAM(S)

Crisis Negotiation Team

SUBJECT: PERSONNEL QUALIFICATION FORM

3.1.1 PERSONNEL QUALIFICATION STANDARDS

Effective June of 2003, any officer joining CNT is required to complete the following:

Rank	Name	ID #
------	------	------

1. Complete the Basic Negotiations class:

Date completed: _____

Class Location: _____

2. Read the Operations Manual:

Date completed: _____

Member's signature: _____

3. Commanding Officer's conference:

Date completed: _____

CO's signature: _____

4. Demonstrate a working proficiency with CNT equipment:

Date(s) demonstrated: _____

Date competency demonstrated: _____

Reviewer: _____

5. Served in the following capacities:

Intelligence officer:

Date completed: _____

Team Leader signature: _____

Equipment Operator:

Date completed: _____

Team Leader signature: _____

Secondary negotiator:

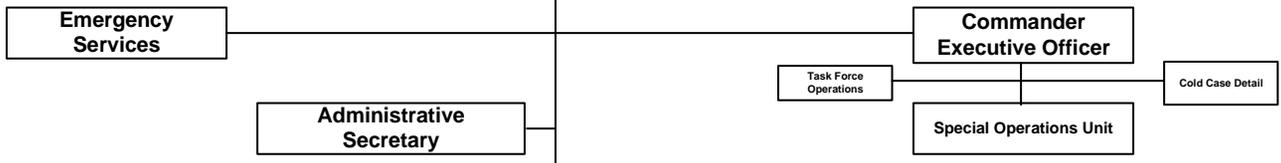
Date completed: _____

Team Leader signature: _____

Operations Notification.pdf

Visio-Org Chart Effective Match 5 2018.pdf

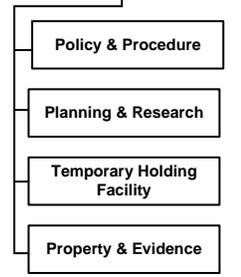
Chief of Police



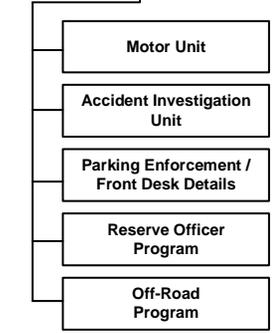
Deputy Chief

Deputy Director

Commander Auxiliary Services Bureau

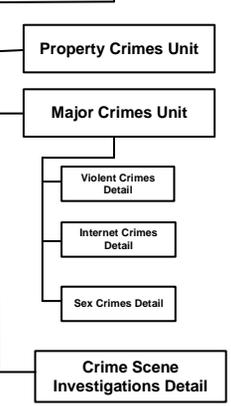


Commander Traffic Bureau

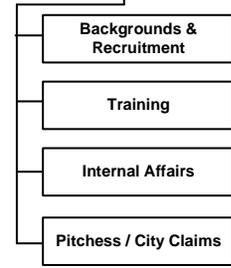


Crime Analysis and Prevention Unit

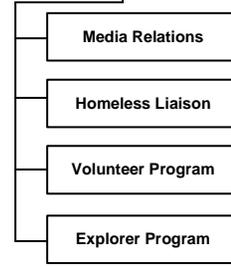
Commander Detective Bureau



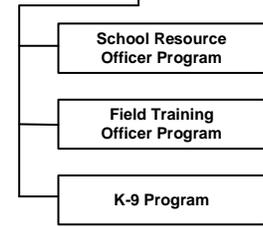
Commander Professional Standards Bureau



Commander Public Relations Bureau



Commander Patrol Bureau



Manager Communications Bureau

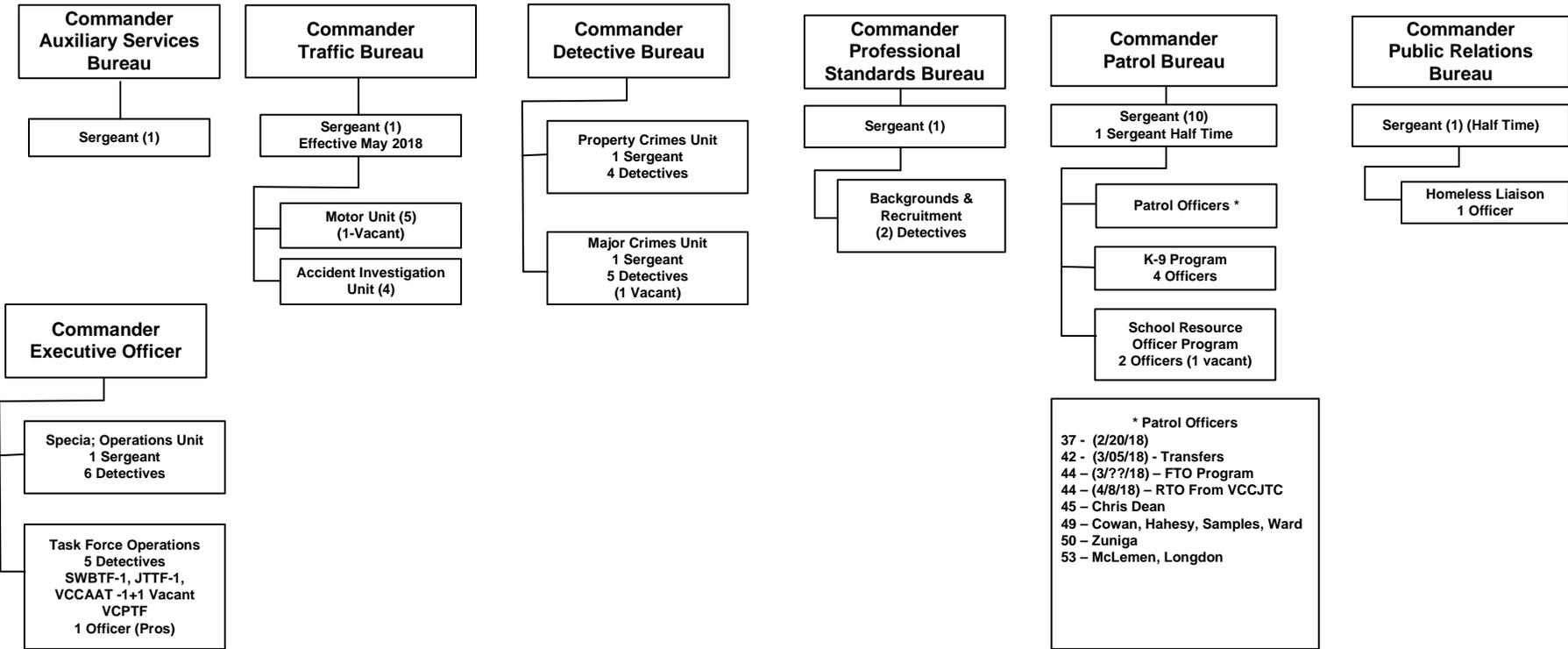
Manager Records Bureau

Manager Fiscal Services Unit

Manager Maintenance Unit

Simi Valley Police Department Organizational Chart March 5, 2018

Sworn Staffing



* Patrol Officers
 37 - (2/20/18)
 42 - (3/05/18) - Transfers
 44 - (3/?/?/18) - FTO Program
 44 - (4/8/18) - RTO From VCCJTC
 45 - Chris Dean
 49 - Cowan, Haheesy, Samples, Ward
 50 - Zuniga
 53 - McLemen, Longdon

BCIA 8572.pdf



SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

To Be Completed by Mandated Child Abuse Reporters

PLEASE PRINT OR TYPE

CASE NAME: _____

CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER			TITLE			MANDATED REPORTER CATEGORY							
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS						DID MANDATED REPORTER WITNESS THE INCIDENT?							
	REPORTER'S TELEPHONE (DAYTIME)		SIGNATURE				TODAY'S DATE							
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION <input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)			AGENCY										
	ADDRESS						DATE/TIME OF PHONE CALL							
	OFFICIAL CONTACTED - NAME AND TITLE						TELEPHONE							
VICTIM'S	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY						
	ADDRESS						TELEPHONE							
	PRESENT LOCATION OF VICTIM				SCHOOL		CLASS		GRADE					
	PHYSICALLY DISABLED?		DEVELOPMENTALLY DISABLED?		OTHER DISABILITY (SPECIFY)				PRIMARY LANGUAGE SPOKEN IN HOME					
	IN FOSTER CARE?		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE:				TYPE OF ABUSE (CHECK ONE OR MORE):							
	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NO		<input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				<input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY) _____							
	RELATIONSHIP TO SUSPECT				PHOTOS TAKEN?		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH?							
				<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK								
VICTIM'S SIBLINGS	NAME		BIRTHDATE		SEX	ETHNICITY		NAME		BIRTHDATE		SEX	ETHNICITY	
	1. _____							3. _____						
2. _____							4. _____							
VICTIM'S PARENTS/GUARDIANS	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY						
	ADDRESS						HOME PHONE		BUSINESS PHONE					
	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY						
	ADDRESS						HOME PHONE		BUSINESS PHONE					
SUSPECT	SUSPECT'S NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY						
	ADDRESS						TELEPHONE							
	OTHER RELEVANT INFORMATION													
E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____													
	DATE/TIME OF INCIDENT				PLACE OF INCIDENT									
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incident's involving the victim(s) or suspect)													

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code section 11169 to submit to DOJ a Child Abuse or Severe Neglect Indexing Form BCIA 8583 if (1) an active investigation was conducted and (2) the incident was determined to be substantiated.



SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM BCIA 8572

All Penal Code (PC) references are located in Article 2.5 of the California PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://leginfo.legislature.ca.gov/faces/codes.xhtml> (specify "Penal Code" and search for sections 11164-11174.3). A mandated reporter must complete and submit form BCIA 8572 even if some of the requested information is not known. (PC section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

Mandated child abuse reporters include all those individuals and entities listed in PC section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC section 11165.9.)

III. REPORTING RESPONSIBILITIES

Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof **within 36 hours** of receiving the information concerning the incident. (PC section 11166(a).)

No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC section 11172(a).)

IV. INSTRUCTIONS

SECTION A – REPORTING PARTY: Enter the mandated reporter's name, title, category (from PC section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes/no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

IV. INSTRUCTIONS (*continued*)

SECTION B – REPORT NOTIFICATION: Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.

SECTION C – VICTIM (One Report per Victim): Enter the victim's name, birthdate or approximate age, sex, ethnicity, address, telephone number, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes/no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes/no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes/no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.

SECTION D – INVOLVED PARTIES: Enter the requested information for Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).

SECTION E – INCIDENT INFORMATION: If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

Reporting Party: After completing form BCIA 8572, retain a copy for your records and submit copies to the designated agency.

Designated Agency: **Within 36 hours** of receipt of form BCIA 8572, the initial designated agency will send a copy of the completed form to the district attorney and any additional designated agencies in compliance with PC sections 11166(j) and 11166(k).

ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian

SVPD Naloxone Procedure- Protocol.pdf

SIMI VALLEY POLICE DEPARTMENT



NALOXONE PROCEDURES AND PROTOCOLS

BACKGROUND:

Naloxone nasal spray is an approved medication through the U.S. Food and Drug Administration. Naloxone, also known as Narcan, is an opioid antagonist indicated for the emergency treatment of known or suspected opioid overdose, as manifested by respiratory and/or central nervous system depression.

Providing law enforcement with the knowledge and the tools to reverse opioid overdoses in the field can reduce the time between when an overdose victim is discovered and when they receive lifesaving assistance. Opioids cause death by slowing, and eventually stopping the person's breathing. When administered, naloxone restores respiration within two to five minutes, and may prevent brain injury and death. Naloxone works on overdoses caused by opioids, which includes prescription painkillers and street drugs like heroin. Naloxone has no potential for abuse and has no known adverse effects on persons who are not experiencing an opioid overdose.

In coordination with the Ventura County Emergency Medical Services Agency (VCEMS), Simi Valley Police Department (SVPD) authorized and trained personnel have been approved to carry and administer Naloxone under specific circumstances as directed by the applicable policies, procedures and protocols.

The Simi Valley Police Department Naloxone Program was built to comply with:

1. Ventura County Emergency Medical Services Agency Policy 1602, Public Safety Personnel Optional Skills Approval and Training.
2. Ventura County Emergency Medical Services Agency Policy 1605, Naloxone Administration by Approved Public Safety Personnel.
3. Ventura County Emergency Medical Services Agency Policy 705.18, County Wide Protocols "Overdose/Poisoning"
4. California Code of Regulations Title 22, Division 9, Chapter 1.5, Article 3, §100019 – Public Safety First Aid and CPR Training Standards, Optional Skills.

KEY POINTS OF CONTACT:

- Naloxone Program Manager:
 - Commander Ritchie Lew, Patrol Bureau, (805) 583-6252, rlew@simivalley.org.

- Naloxone Site Coordinator:
 - Sergeant Christopher Johnson, First/Aid CPR Program Supervisor, (805) 583-6950
- Medical Director:
 - Dr. Dan Shepard, daniel.shepherd@ventura.org
- VCEMS – Training and Programmatic Requirements
 - Randy Perez, 805-981-5310, randy.perez@ventura.org
- VCEMS – Patient Care Reports must be:
 - Emailed to: emsagency@ventura.org or
 - Faxed to: 805-981-5300

APPROVED PRODUCT:

Narcan Nasal Spray: 4 mg of naloxone hydrochloride in 0.1 mL



TRAINING REQUIREMENT:

Prior to being issued or deploying naloxone, Simi Valley Police Department personnel must complete the VCEMS approved initial training, and annual update training thereafter. All naloxone training that is provided to SVPD personnel must be approved by the VCEMS Training and Programmatic Requirements POC.

The VCEMS authorized training program will maintain records documenting the completion of the required naloxone training by all SVPD personnel that will be issued or otherwise expected to deploy naloxone. Copies of the required training records will also be maintained by the SVPD Program Manager and will be provided to the VCEMS Training and Programmatic Requirements POC as part of the Continuous Quality Improvement (CQI) requirement.

PROCEDURES:

- **Storage/ Supplies**
 - Personnel
 - Naloxone units may be individually issued to personnel.
 - Site Coordinator will log all naloxone units that are issued to personnel assigned to their location.
 - The logs will be emailed to the Naloxone Program Manager.

- Extra/replacement naloxone will be stored with the Site Coordinator at each station.
 - Naloxone/Narcan should be stored in the manufacture provided packaging, and in a temperature controlled environment (59°F to 77°F). Naloxone should not be allowed to freeze or to remain in environments that are over 104°F for an extended period of time. Because the effectiveness of naloxone is destroyed by heat, naloxone that is allowed to be in temperatures above 104°F for an extended period of time should be returned to the Site Coordinator for evaluation and/or replacement.
 - The Naloxone Site Coordinator will be responsible for:
 - Distributing naloxone product to approved/trained personnel
 - Maintaining unissued stores of naloxone product
 - Reordering naloxone product as necessary
- **Deployment:**
 - At the beginning of their shift, personnel should check the expiration date of their issued naloxone. If it is expired, personnel should contact their Site Coordinator to turn in the expired medication and obtain a replacement.
 - Expired naloxone medication should be returned to the Site Coordinator for disposal.
 - Generally speaking, personnel should store naloxone within the passenger compartment of their assigned vehicle,
 - Whenever possible, personnel should respond with and deploy an AED in conjunction with naloxone. In many instances, the appropriate treatment will require the use of the AED and CPR.
- **When to use:**
 - Suspected or confirmed opiate overdose
 - Environment indicates illegal or prescription use of opiate medication, AND
 - Victim is unconscious or poorly responsive and respiratory rate appears to slow (less than 8 per minute) or shallow/inadequate; or victim is unconscious and not breathing.
 - Need for complete or partial reversal of central nervous system and respiratory depression induced by opioids.
 - Decreased level of consciousness of unknown origin and opioid induced respiratory depression
 - Law enforcement or First Responders with known or suspected opiate exposure AND signs and symptoms of opiate overdose.

Note: Narcan/Naloxone does not reverse overdoses that involve non-opioid drugs, including CNS stimulants and alcohol.

➤ **How to use:**

- Ensure that EMS and backup law enforcement personnel have been requested and are enroute prior to administration
- Follow the following procedures:

NARCAN[®] (naloxone HCl) **NASAL SPRAY**

QUICK START GUIDE Opioid Overdose Response Instructions

Use NARCAN Nasal Spray (naloxone hydrochloride) for known or suspected opioid overdose in adults and children.

Important: For use in the nose only.

Do not remove or test the NARCAN Nasal Spray until ready to use.

1 Identify Opioid Overdose and Check for Response

Ask person if he or she is okay and shout name.

Shake shoulders and firmly rub the middle of their chest.

Check for signs of opioid overdose:

- Will not wake up or respond to your voice or touch
 - Breathing is very slow, irregular, or has stopped
 - Center part of their eye is very small, sometimes called "pinpoint pupils"
- Lay the person on their back to receive a dose of NARCAN Nasal Spray.



2 Give NARCAN Nasal Spray

Remove NARCAN Nasal Spray from the box.

Peel back the tab with the circle to open the NARCAN Nasal Spray.

Hold the NARCAN nasal spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.

Gently insert the tip of the nozzle into either nostril.

- Tilt the person's head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into one nostril, until your fingers on either side of the nozzle are against the bottom of the person's nose.

Press the plunger firmly to give the dose of NARCAN Nasal Spray.

- Remove the NARCAN Nasal Spray from the nostril after giving the dose.

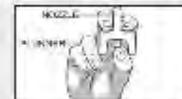
Get emergency medical help right away.

Move the person on their side (recovery position) after giving NARCAN Nasal Spray.

Watch the person closely.

If the person does not respond by waking up, to voice or touch, or breathing normally another dose may be given. NARCAN Nasal Spray may be dosed every 2 to 3 minutes, if available.

Repeat Step 2 using a new NARCAN Nasal Spray to give another dose in the other nostril. If additional NARCAN Nasal Sprays are available, repeat step 2 every 2 to 3 minutes until the person responds or emergency medical help is received.



ADAPT
PHARMA

For more information about NARCAN Nasal Spray, go to www.narcannasalspray.com, or call 1-844-4NARCAN (1-844-463-7228).

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- Law Enforcement should only administer one round of naloxone prior to EMS arrival.

➤ **Officer Safety & Public Safety Concerns:**

- It is not uncommon for persons who are resuscitated via the administration of naloxone to become agitated upon becoming conscious. This agitation stems from various physical reasons including withdrawal from the opioid, lack of blood/ oxygen within the brain, other drugs in their system and underlying psychiatric conditions. Because of this, upon administering naloxone, personnel should be prepared for, and make plans to handle instances in which the patient may become agitated.
 - Prior to administering naloxone, personnel should ensure that additional law enforcement and emergency medical personnel are responding to assist in providing care for and controlling the patient if necessary.
 - When safe to do so, the preferred method of dealing with an agitated patient is to give them time and space, while utilizing calm communication techniques aimed at avoiding escalation.
 - The decision to use physical force and/ or restraints to control an agitated patient is governed by existing SVPD policies including Policy 301 (Use of Force) and 302 (Handcuffing and Restraints). As part of the force/restraint decision-making process, personnel should consider the underlying medical condition of the patient when balancing the public and officer safety risks against the risk of harming the patient.
 - Should it become necessary to utilize physical force or restraints to protect the public and or SVPD personnel from an agitated patient, it is imperative that involved personnel constantly and carefully monitor the patient's medical condition until officially relieved by EMS personnel.

➤ **Post Naloxone Administration - Continuing medical care:**

- Continue monitoring ABC's
- Place patient in recovery position
- Be prepared to transition into CPR and use of the AED if necessary

Post-Narcan Position

- › As you wait for ALS, place patient in recovery position
- › Continue to monitor frequently to ensure patient is still breathing



➤ **Notifications:**

- Upon arrival of EMS, law enforcement personnel should ensure that EMS personnel are specifically notified that naloxone was administered. Information that should be provided to EMS includes:
 - Respiration rate prior to naloxone administration
 - Time and amount of naloxone administered
 - Any changes to the patient condition following naloxone administration.
- The on-duty SVPD Patrol supervisor should be notified about the naloxone administration as soon as practical.

➤ **PC 11376.5 :**

- Law enforcement personnel are reminded that California Penal Code section 11376.5 protects persons seeking assistance for overdose incidents from prosecution for being in possession of, or under the influence of controlled substances. The full text of the law is included below.
- Law enforcement personnel should also be cognizant that lacking additional reasonable suspicion of criminal behavior that is not exempted by PC 11376.5, we cannot legally detain an adult who does not want to wait for medical personnel to arrive.
 - However, we should make every effort to explain the dangers and encourage them to wait for EMS to arrive.
 - As with general first aid principles, if the person being treated is under 18 and their parent is not present, the principle of implied consent allows you to continue maintaining care of the minor until EMS takes over.

California Penal Code section 11376.5:

(a) Notwithstanding any other law, it shall not be a crime for a person to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, if that person, in good faith, seeks medical assistance for another person experiencing a drug-related overdose that is related to the possession of a controlled substance, controlled substance analog, or drug paraphernalia of the person seeking medical assistance, and that person does not obstruct medical or law enforcement personnel. No other immunities or protections from arrest or prosecution for violations of the law are intended or may be inferred.

(b) Notwithstanding any other law, it shall not be a crime for a person who experiences a drug-related overdose and who is in need of medical assistance to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, if the person or one or more other persons at the scene of the overdose, in

good faith, seek medical assistance for the person experiencing the overdose. No other immunities or protections from arrest or prosecution for violations of the law are intended or may be inferred.

REPORTING REQUIREMENTS:

If Simi Valley Police Department personnel administer naloxone in the performance of their duties, the following reporting requirements must be completed by the SVPD employee.

- The Ventura County Optional Skill Patient Care Report must be completed in its entirety and submitted within 24 hours to VCEMS:
 - Emailed to: emsagency@ventura.org or
 - Faxed to: 805-981-5300

- HIPAA Concerns: If it is necessary to document the use of naloxone within an SVPD report, personnel should only reference/write that the individual was, "Treated pursuant to the SVPD protocol and a Ventura County Optional Skill Patient Care Report was completed and submitted to VCEMS, and is part of the individual's medical record."

PROGRAM EVALUATION/ CONTINUOUS QUALITY IMPROVEMENT:

The Simi Valley Police Department Naloxone Program Manager will be responsible for insuring:

- All Ventura County Optional Skill Patient Care Reports are being submitted to VCEMS.
- Communicating with the VCEMS Programmatic and Training POC to ensure:
 - The SVPD deployment/use of naloxone complies with VCEMS policy and this SVPD procedure-protocol.
 - Evaluating the effectiveness of the SVPD naloxone program and making necessary changes to this procedure-protocol and/or the training provided to SVPD personnel.
- Timely submission of the VCEMS required PSFA Optional Skills Provider monthly and annual utilization and update forms:
 - The SVPD Naloxone Program Manager is responsible for compiling, completing and submitting these forms. The Program Manager will email the forms and supporting documentation to the VCEMS Programmatic and Training POC at emsagency@ventura.org.
 - The monthly reports must be completed and submitted on a monthly basis, regardless of whether or not there were naloxone utilizations during the reporting period.
 - Ongoing training for all SVPD personnel that are issued or otherwise expected to deploy naloxone: Completion of initial VCEMS approved naloxone training prior to initial issuance/deployment; Completion of VCEMS approved annual update training for all personnel.

Weapons Authorization.pdf



SIMI VALLEY POLICE DEPARTMENT

WEAPONS AUTHORIZATION FORM

OFFICER _____

DATE _____

WEAPON DESCRIPTION

Make: _____
Model: _____
Barrel Length: _____
Grips: _____

Caliber: _____
Serial #: _____
Pistol () Revolver ()

AMMUNITION TYPE

Brand: _____
Bullet Weight: _____

Bullet Design: _____

REQUEST TO CARRY WEAPON

I have read Policy 306 and request permission to carry the above listed handgun and ammunition.

- Concealed Second Handgun
- Special Assignment Handgun
- Alternate Duty Handgun
- Off-Duty Handgun

Officer's Signature _____

Request: APPROVED
 DISAPPROVED

Deputy Chief Date

RANGEMASTER CERTIFICATION

I have inspected the above listed firearm and method of carrying. I certify that they meet Department standards for the intended use. The requesting officer has demonstrated familiarity with the weapon and has qualified with it on the range.

Rangemaster Date

AUTHORIZED AS REQUESTED

Chief of Police Date

Original: Pers. File
Copy: Employee

AG SWAT Commision Report - 2002.pdf

Attorney General's

**Commission on
Special Weapons
and Tactics
(S.W.A.T.)**

Final Report



September 10, 2002

Attorney General’s Commission on Special Weapons and Tactics (S.W.A.T.)

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Attorney General's Commission on Special Weapons and Tactics (S.W.A.T.)

FINAL REPORT

September 2002

Background of the Commission

In recent years, Bill Lockyer, both as a state Senator and Attorney General noted media accounts of tragic incidents that occurred during SWAT operations, which are among the most difficult of police activities. Though rare in the context of the total number of SWAT operations, these incidents caused him concern. He was especially concerned about the potential erosion of community confidence in local law enforcement agencies caused by such tragedies.

As a result, the Attorney General established a broad-based Commission on SWAT to study the current state of tactical teams throughout California. The Commission's Chairperson is Bernard K. Melekian, Chief of Police from Pasadena. The Vice Chairperson is Les Weidman, Sheriff from Stanislaus County. The Commission included police professionals, executives with extensive police and tactical experience, concerned citizens from a broad range of interests and backgrounds, and representatives of public interest groups. One of the Commission members, Chief Pat McKinley of Fullerton, is widely regarded as the chief architect of Special Weapons and Tactics Teams. A roster of the Commission's members is attached as Appendix A.

The Commission was charged with assessing the level of tactical capability in California and making recommendations to the Attorney General regarding improvements in the system. The Commission began meeting in April 2001. The Commission heard testimony from recognized tactical experts, command staff personnel from several departments, and attorneys, representing both plaintiffs and defense.

The Commission also heard testimony from SWAT team representatives from large, medium and small agencies and studied the various model teams that operate throughout the state. A representative from the National Tactical Officers Association (NTOA) discussed that organization's role in developing standards for the training and selection of SWAT personnel. Additionally, a representative from the California Commission on Peace Officer Standards and Training (POST) discussed the role of that agency in connection with training. Various special interest groups also testified before the Commission.

The Commission formed four committees to review tactical operations. The committees addressed the areas of Tactics, Training, Policy and Equipment, and Risk Management.

The Attorney General's office conducted a survey of law enforcement agencies throughout the state in May 2001. This survey asked numerous questions regarding whether the agency had a SWAT team, the size and functions of their SWAT teams, criteria governing the use of SWAT teams, types and amount of training, and the existence of written guidelines for the deployment of a SWAT team.

On July 18, 2001, public hearings were conducted simultaneously in San Diego, Los Angeles, Fresno, Sacramento, Oakland, and Redding. The hearings were widely publicized. Selected Commission members attended each hearing. The comments received were incorporated into the Commission's work. Subsequently, drafts of this report were circulated to Sheriffs, Chiefs of Police, and numerous interested associations for comments and recommendations which were also considered prior to this final report.

From the beginning, apprehension about the Commission was expressed by representatives of tactical teams throughout the state. NTOA stated that developing policy in response to a small number of tragedies might overshadow the fact that over 95% of all tactical deployments are concluded without firing a shot.

The Commission went to great lengths to establish itself as a fact-finding body whose recommendations, not mandates, would consider all aspects of the numerous, complex issues raised. The Commission acknowledges the outstanding work done by tactical teams throughout California to address high-risk, high-energy situations with a minimum application of force.

The Commission also recognizes that in any operation of this nature, continual improvement through critical self-analysis is both possible and necessary. The primary objectives of the Commission's report are to help foster that process and to provide initial guidelines from which improvements can be measured and publically recognized.

History of SWAT

Beginning in the 1960's, local police were confronted by increasingly well-armed individuals and groups who were willing to engage in armed confrontations with the police. The traditional method of response by uniformed patrol officers placed both officers and innocent bystanders at increased risk.

In many nations of the world, such situations would likely be handled by national police forces. However, the American people have historically been very wary of deployment of federal forces within local boundaries.

It became clear that a new method of response to such complex, high-risk and often high-energy situations was needed. Such a response required expertise and weaponry beyond the normal capability of local law enforcement agencies. Thus, the concept of SWAT (Special Weapons and Tactics) was developed by the Los Angeles Police Department.

Originally, the SWAT concept was for counter-sniper and other high-risk situations that in the past would have provoked an inordinate number of shots being fired, often with injuries to innocent persons. Over the years, SWAT has evolved into the management of barricaded suspect situations, the service of high-risk warrants, dignitary protection, and the actual rescue of hostages.

Under the SWAT model, verbal techniques and physical tactics would combine for seamless management of volatile situations confronting local police. The primary purpose behind this concept was to reduce risk to the police forces involved, to the suspects, and to the community at large.

Most of these situations are resolved with verbal tactics utilized by trained hostage negotiators who are frequently an integral component of SWAT teams. Seldom are physical tactics necessary, and even then the actual firing of shots rarely occurs.

Due to the training, discipline and dedication required for this type of assignment, participating officers are regarded as elite forces within the police profession. Not all officers in any department are physically and emotionally qualified to carry out these specific duties on a full-time basis or even part-time basis.

Originally, SWAT teams were the exclusive purview of large agencies that had sufficient personnel and resources to train and equip such a specialized unit. Additionally, such agencies had sufficient numbers of annual incidents to justify the costs associated with these units.

Over time, several factors combined to help add such units to agencies throughout the state, regardless of their size. Most apparent was the proliferation of weapons into the hands of suspects, usually drug dealers and gang members, who were willing to use them.

The increase in the number of violent confrontations led in turn to demands that law enforcement executives train SWAT teams, regardless of the resources available to that agency. SWAT was, and is, considered such a desirable assignment that the creation of such teams was often seen as necessary, both in terms of morale and recruitment.

The 1990's saw an infusion of military surplus equipment into civilian law enforcement agencies. Additionally, a number of private trainers, usually former military personnel, began to provide training at an affordable cost. These factors in combination served to greatly reduce the costs of equipping and preparing SWAT teams.

Issues and Recommendations

Issue 1 *There is no agreed upon definition as to what constitutes a SWAT team.*

The survey results, as well as testimony given to the Commission, demonstrated that law enforcement agencies throughout the state train and equip units in tactics recognizable as SWAT. Nevertheless, the models include wide variance in terms of time devoted to training, nature of the units associated with the duty (i.e. full-time, part-time, or on-call), and names given to such units. This issue was perhaps the most challenging facing the Commission, since all of the subsequent recommendations required dealing with this most basic issue. It was noted by the Policy and Standards Committee that most, if not all, of the errors that have occurred during high risk incidents were not committed by actual SWAT teams but by a collection of law enforcement officers who were not fully trained or equipped to function as a SWAT unit.

The Commission concluded that it was important to develop a matrix, which would define levels of capability. This matrix would allow the agency head to more easily define the role the SWAT team was to play in carrying out the agency's mission.

Recommendation – Develop a definition of a SWAT team.

Proposed Definition

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to respond to critical incidents including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of agency policy, such a unit may be used to serve high-risk warrants, both search and arrest, where public and officer safety issues compel the use of such a unit.

Issue 2 *There are no set standards for SWAT teams in California.*

This lack of standards extends to team size, unit utilization and meaningful determination as to levels of capability. The result is a wide variety of team models using the term SWAT.

Recommendation – Develop a matrix defining the levels of team capability

Proposed Levels of Capability

Level I: 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.

Level II: Intermediate team 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 least 5% of their on-duty time should be devoted to training, with supplemental training for tactical capabilities above the Level I team.

Level III: Advanced 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 (e.g., NTOA Suggested SWAT Best Practices. Appendix B). Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

The Commission understands the difficulty of categorizing specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Individual teams may have to respond to situations that exceed their training levels due to the exigency of the circumstances. The preservation of human life is paramount.

Issue 3 *There are no mandated training standards for SWAT teams in California.*

Due to the absence of POST standards or guidelines, there is a wide variance among agencies in terms of training. Formal training is offered throughout the state by private organizations as well as public agencies.

POST certifies some training allowing for agency reimbursement for expenses incurred. The POST representative appearing before the Commission noted that POST has not established any training standards in connection with SWAT operations and has no mandate to do so. POST is charged with finding subject matter experts capable of teaching the desired material.

Recommendations:

- SWAT teams should provide on-duty training in accordance with the matrix outlined in Issue #2.
- POST should continue to develop and certify contemporary curricula for all basic and advanced SWAT training.
- SWAT team personnel (excluding support) should participate in POST certified basic and advanced SWAT training. New SWAT team members should not be deployed in operational functions without having first completed POST certified basic training.
- In-service SWAT training should be relevant to SWAT missions as defined in agency policy. Such policy should address individual team member's responsibilities, performance-related skills, use of force, and command and control functions. Training should be performance based and ensure that individual team members maintain physical and operational competencies.
- SWAT training "needs assessments" should be conducted annually by each agency to ensure that training is conducted within team capabilities and agency policy.

- SWAT training must include lesson plans and records of attendance. Training should be documented, and such documentation should be retained pursuant to agency policy.
- SWAT team personnel, team administrators and potential incident commanders should receive training regarding SWAT mission assessment, deployment criteria, operational planning, incident command, multi-jurisdictional (task-force) protocols, decision making, tactical options, communications and accountability.
- SWAT team training, including firearms, should incorporate established written safety protocols and on-site safety officers.
- SWAT teams should regularly participate in scenario-based training to include all relevant agency crisis intervention components such as field command, patrol, traffic, hostage negotiations, K9, and bomb technicians, as well as outside agency responders including fire, EMS, and allied law enforcement agencies.

Issue 4 ***There is a wide variety of tactical applications within agencies throughout the state.***

The Commission found a lack of uniformity in the tactical utilization of SWAT teams. Some agencies utilized their teams to execute all search warrants related to narcotics. Others called their teams out only in the case of hostage taking situations, high-risk arrests, etc.

Similarly, widely disparate techniques were noted in the execution of SWAT operations. Dynamic entry vs. surround and call-out were the subject of much discussion. The utilization of knock and notice also produced a variety of viewpoints. There are specific recommendations from the Risk Management Committee that will be discussed later.

Finally, policy with respect to the use of technical equipment was found to be lacking in many cases.

Recommendation – Agencies should develop a written set of operational procedures, in accordance with their determination of their Level of Capability, using sound risk-reduction practices.

Such procedures should include, but are not limited to:

- Time permitting, an operational plan for responding to each incident;
- A generic checklist to be worked through prior to initiating a tactical action;
- The appropriate role for a trained negotiator (the Levels of Capability matrix could be used for that purpose);
- A standard method of determining whether or not a warrant should be regarded as high-risk (See Appendix C: San Diego County Sheriff’s Department High Risk Entry Checklist, High Risk Warrant Worksheet, High Risk Warrant Service Protocol, High Risk Warrant Tactics-Pros and Cons, Considerations Regarding Law Enforcement Tactical Missions);
- A method for deciding how best to serve a high-risk warrant with all alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response (See Appendix C) (civilian representatives felt strongly that in those situations involving non high-risk warrants, alternatives to the use of SWAT teams should be strongly considered);

- A written Officer Involved Shooting policy that is applicable to SWAT operations;
- Debriefings after every deployment of the SWAT team for the purpose of improving future performance;
- Sound risk management analysis;
- The presence of legal counsel when appropriate;
- Standardization of equipment deployed.

Issue 5 *There is a wide variety in SWAT models employed in California.*

There are several team models throughout the state. Within single agency teams (the vast majority), there are full-time SWAT teams, single units within departments who have the collateral duty of functioning as a SWAT team, and individuals who serve in different units throughout a department who hold SWAT as a collateral duty.

Additionally, there are a few multi-agency teams throughout the state. These regional teams were represented by Palo Alto and Mountain View to the Commission. This model seems to be the most viable alternative for communities unable to fund or staff a SWAT team on their own. The representative who appeared before the Commission indicated that the regional concept worked well. A definitive memorandum of understanding between the two agencies supports this arrangement. (Appendix D)

With respect to regional teams, there were concerns expressed about the difficulty in determining appropriate command and control. There was also a concern regarding differing levels of training and experience. A possible lack of accountability was another issue raised. It should be noted that NTOA strongly favors regional SWAT teams.

Recommendation – Agencies should analyze their capabilities, utilizing the recommended Levels of Capability, and develop a response policy.

Issue 6 *There is a lack of written guidelines regarding uniforms, equipment and team-member identification.*

There is a wide variance in the type and style of uniforms and equipment employed by SWAT teams. The para-military nature of the uniforms utilized by most SWAT teams was the subject of some controversy.

One example was the use of the balaclava (a head covering, similar to a ski mask). Some witnesses at the public hearings indicated it was extremely intimidating and created an unwanted image. Others indicated its use was a tactical safety precaution against the possibility of injuries due to fire and other dangers.

One concern expressed by the Risk Management Committee was that often team members wear specific pieces of uniform apparel and equipment without knowing why. This presents significant problems both in terms of community confidence and with respect to litigation. The failure to

prominently identify SWAT team members as law enforcement officers was also a significant issue, particularly among members of the community.

■ **Recommendation – Each agency should establish written guidelines for the type and utilization of SWAT equipment. Absent extenuating circumstances, team members should be clearly and conspicuously identifiable as law enforcement personnel.**

■ ***Issue 7*** ***There is a general lack of clarity, among the public as to the exact mission of SWAT.***

Several concerned citizens at the public hearings, as well as non law enforcement committee members, indicated that there is a significant level of confusion with regards to SWAT teams, what is their mission, how do they do their work, etc? There seemed to be a consensus that law enforcement has done an inadequate job of informing the public as to what SWAT teams are, what they do, and what they do not do.

There was almost universal support for some kind of public education program that would allay general public apprehension regarding SWAT teams and assist in gaining public support.

■ **Recommendation – Each agency should engage in a public education program with respect to their SWAT team. The focus of these programs should be to educate the public that the primary mission of SWAT teams is the preservation of human life.**

Conclusion

Significantly, the Attorney General's Commission on SWAT was precipitated by a tragic death of a young male during a SWAT operation. This death, though accidental, compelled law enforcement to engage in critical self-analysis with respect to the utilization of SWAT teams.

The Commission was deeply moved when this victim's family appeared at the Commission's public hearing. The Commission pledged to the family, to the Attorney General, and to the people of California that something constructive and lasting would come from their tragedy. We have tried to honor that pledge.

The Commission did not spend a lot of time and energy assigning blame. Instead we chose to look at the system and tried to determine what worked and what needed to be fixed.

There is no question that the tactical capabilities afforded by SWAT teams are a necessity for local law enforcement. Without such teams, there would be more tragic stories to tell, not fewer. Nevertheless, law enforcement operations are not military operations. There is not an acceptable level of casualties, particularly of innocent bystanders.

A number of issues were identified during the course of our deliberations. Only some of them have been addressed in detail in this report. There are others, including language skills, cultural sensitivity, and ethnic/gender issues that should be addressed in the future.

For the moment, the clearest issue to emerge was the need for a set of standards in all aspects of SWAT operations. The lack of clear standards in training, tactics, and policy can and must be addressed.

All the appropriate agencies and associations throughout California should study this report. This report is the beginning of the process, not the end. If we are going to enhance community confidence and improve our level of service to the public, then this is the place to begin. The Commission recommends that the law enforcement community continue to study and review SWAT team practices throughout California.

The recommendations made by the Commission are not mandates. They are presented for each agency to review and determine specific applicability. They are a call to POST to assist in the process of developing the necessary standards, guidelines and training.

Appendices

- A. Commission Roster
- B. NTOA Suggested SWAT Best Practices
- C. San Diego Sheriff Department's high-risk checklist
- D. Sample multi-agency Memorandum of Understanding

APPENDIX A

Attorney General's SWAT Team Commission

Chairman

**Bernard Melekian, Chief of Police
Pasadena Police Department**

**Ed Bonner
Placer County Sheriff**

**Roy L. Burns, President
Assoc. for Los Angeles Deputy Sheriffs, Inc.**

**Chris Cunnie, President
San Francisco Police Officers' Assoc.**

**Jack Drown
Undersheriff, San Diego County**

**Dean Flippo
District Attorney of Monterey County**

**Alice Huffman, President
NAACP**

**Bill Lentini (Retired)
Brea Chief of Police**

**Pat McKinley
Fullerton Chief of Police**

**Tony Rackauckas
District Attorney of Orange County**

**David Rodriguez, Commander
American GI Forum**

**Steve Staveley, Former Director (Retired)
Division of Law Enforcement (DOJ)**

**Arturo Venegas, Jr.
Oakland Chief of Police**

Vice Chair

**Les Weidman
Stanislaus County Sheriff**

**James Brazelton
District Attorney of Stanislaus County**

**Ed Chavez
Stockton Chief of Police**

**The Honorable David De Alba, Judge
Sacramento County Superior Court**

**Clancy Faria, President
PORAC**

**Jim Gardiner
San Luis Obispo Chief of Police**

**Mark Leap, Commander
Los Angeles Police Department**

**Michael McCrystle, Professor
CSUS**

**Susan Quinn, President, National Assoc.
for Civilian Oversight of Law Enforcement**

**Eugene Ramirez, Esq.
Manning & Marder**

**Laurie Smith
Santa Clara County Sheriff**

**W. Scott Thorpe
Special Assistant Attorney General**

**Erica Yew, Esq.
McManis, Faulkner & Morgan**

APPENDIX B



The National Tactical Officers Association

Suggested SWAT Best Practices

Introduction

A special weapons and tactics (SWAT) team must have at least a reasonable measure of competency in order to effectively respond to emergency or pre-planned operations. In an effort to improve the professionalism and proficiency of SWAT teams, the National Tactical Officers Association (NTOA) has prepared a list of "Suggested SWAT Best Practices". This document recognizes that varying circumstances will dictate different approaches to problem resolution. Therefore, it is not the intent of the NTOA to prescribe strict standards for SWAT teams, but rather to provide a basis for minimum expectations nationwide. This document is divided into two sections, (1) Policy and (2) Procedures. Each section contains suggested best practices for a SWAT team/unit.

Policy

The NTOA suggests that a policy statement include the following.

1. A written statement describing the mission of the SWAT team which also addresses the need and rationale for staffing the team.
2. A written description of the composition and structure of the team. This should include an organizational chart.
3. A written statement describing a clear incident command and control structure that delineates chain of command and lines of communication/notification, both within the team and in the context of the parent organization.
4. A written process for activation of the team. This should include a clear rationale justifying the standards for activation.
5. A written statement on the Use of Deadly Force consistent with department policy.
6. A written description of the selection process for all ranks within the team. The description should include clearly defined and validated selection criteria that are specific to the tasks to be performed. If the selection process has not been formally validated, it should conform to Equal Employment Opportunity Commission guidelines.

7. A written description of standards regarding qualification and subsequent periodic re-qualification for all team members. Included should be a description of the standards showing a lack of acceptable performance and the resulting process for the removal of team members who fail to meet the standards for requalification. The standards for qualification and requalification should be job related and either formally validated or capable of being formally validated.
8. A written standard for a minimum number of hours of tactical training per month for all members and positions. The NTOA recommends a minimum of two days each month for a part-time team and 25% of the on-duty time for a fulltime team.
9. A written standard for safety equipment including but not limited to, helmets, eyewear, hearing protection, body armor, equipment-bearing vests, chemical agents mask and/or belts, and footwear.
10. A written statement of the need and rationale for all weapons, ammunition, diversion devices, chemical agents, forced entry tools, less lethal devices and explosives.
11. A written standard detailing the utilization of a complete and formatted operation plan that is written/documented and retained for a prescribed length of time after the operation. The plan should be designed to fit all predictable utilizations of the team.
12. A written standard detailing the development and utilization of team incident reports for the activation and implementation phases of all call-outs and operations.
13. A written standard detailing the development and utilization of an after-action critique format to be completed and retained for a prescribed length of time following all team call-outs, operations and significant training events.
14. A written standard detailing the time line and conditions for periodic review and updating of all applicable policies.
15. A written policy statement ensuring that the standards adopted meet local and state requirements and are approved by the agency head.
16. A written policy statement regarding the option (s) chosen for the incorporation and utilization of Tactical Emergency Medical Support (TEMS).
17. A written policy statement defining mutual aid agreements with federal, state and local agencies including a clear incident command structure during mutual aid.

Standard Operating Procedures

The four main areas of Standard Operating Procedures (SOPs) are **Personnel Selection, Training, Equipment, and Operational Deployment Procedures**. The NTOA suggests that all four of these areas be included within written SOP

PERSONNEL SELECTION

SWAT team performance is based on selecting and retaining the most qualified applicants for the job. This is the critical foundation upon which a team's performance rests. The selection process **must** be based on performance standards, which constitute a minimum acceptable level of skill and must include a physical fitness standard. The selection test must adequately examine mental and physical abilities of candidates. Once selected, a team member must maintain a certain level of physical fitness and operational competency. These are based on incumbent performance standards, which must be successfully applied to all operational team members. This standard must also apply to command level personnel. Failure to maintain standards may result in a continual degradation of team competency, which could result in operational failure.

Things to consider:

1. The notification of position vacancy and testing.
2. Pre-testing orientation meetings.
3. Possible validation of the selection/testing process.

TRAINING

Training is the essence of a SWAT team. Reasonable training standards based on logic and job tasks produces competent teams, while inadequate training produces incompetent or less-competent teams. Training is based on performance standards, standards for which all team members must be held accountable.

Things to consider:

1. Development of a training curriculum.
2. Advanced scheduling of training events.
3. Use of pre-approved lesson plan and who is authorized to approve less plans.

4. SWAT Instructor minimum standards.
5. Assignment of knowledgeable and/or expert team members to conduct training.
6. Number of days authorized for training.
7. Use of formal, written after-action reports covering all training.
8. Outside training of team members to develop expertise in related tactical skills.
9. Procedures used to enhance safety during training events.
 - a. Integration of Tactical Emergency Medical Support (TEMS) personnel in training.
 - b. Establishment of safety protocols.

EQUIPMENT

A SWAT team must be well equipped with current and state-of-the art equipment and weapons. An equipment van and/or secure facility should be utilized for storage of equipment

Things to consider:

1. An adequate budget.
2. An equipment inventory control and inspection process.
3. A research, testing and evaluation program.

OPERATIONAL DEPLOYMENT PROCEDURES

Operational deployment procedures are the tactics, techniques and doctrinal concepts used by a SWAT team in handling incidents as they occur. Based on the types of incidents to which the team responds, these procedures and their application are designed to foster effective and rapid resolution strategies while increasing the ability to safeguard lives. Usually based on the mission statement of the team, incidents may include hostage incidents, barricaded suspect incidents, sniper incidents, high-risk warrant service and other circumstances where department/agency leadership deems it necessary to utilize SWAT rather than patrol or other units. Included within these procedures are philosophies, such as prioritization of life, and processes for the rapid stabilization of the event.

Operational deployment procedures should be uniform among the elements of the team and should be contained in the SOPs. The SOPs then become training guides that facilitate the response of the tactical team to an event, creating a substantial reduction in the initial confusion surrounding deployment. Issues such as containment, immediate action, deliberate action, suspect/hostage control measures, negotiations and liaison with command elements, are all part of the processes and procedures that should be addressed in the SOPs and should be considered Operational Deployment Procedures.

Things to consider:

1. Establishing priorities of life by understanding how the lives of hostages, officers and suspects are balanced against each other.
2. Call-out (activation) procedures, which facilitate a timely and prepared response by the team.
3. Minimum staffing levels for response to certain types of critical incidents.
4. Mutual aid/assistance protocols.
5. SWAT response to "suicide-by-cop" incidents.
6. Barricaded suspect response.
7. Hostage-Barricade situation response should direct specific actions and activities for various elements of the team and address procedures of containment, immediate action, deliberate action and coordinated initiation of negotiations.
8. Sniper incident response should delineate team response to a situation where a suspect is actively engaging targets from a fixed or mobile position.
9. High-risk warrant service should include practices and procedures to be used in planning and conducting the service of warrants. Consideration should also be given to categorizing warrants by degree of risk to determine which unit should serve them, i.e. SWAT, narcotics, etc.
10. Active shooter response should consider that the first officers on scene must respond within their capabilities to an active shooter at a school or public building as soon as possible and not await the arrival of a SWAT team. The SWAT team will play an important role in the resolution should the situation transition to a barricade incident or the suspect's location is unknown.

11. **VIP / Dignitary Protection duties and protocols.**
12. **A clearly defined Incident Command System (ICS) containing command and supervisory responsibilities, tactical intelligence gathering operational procedures and the integration of crisis/hostage negotiation team (CNT) operations.**
13. **Establishing a written procedure as to who can authorize the use of chemical agents, diversionary device, explosives and other special equipment including equipment provided by outside sources.**
14. **Establish minimum numbers of personnel required to carry out high risk preplanned or emergency operations.**

APPENDIX C

San Diego Sheriff's Department High Risk Entry Checklist

Items 1-5 (Check mark "Yes" to 1 or more of the criteria listed below, S.E.D. should be contacted.)

	YES	NO	EXPLAIN
1. [Illegible]			
2. [Illegible]			
3. [Illegible]			
4. [Illegible]			
5. [Illegible]			

Items 6-11 (Check mark "Yes" to 2 or more of the criteria listed below, S.E.D. should be contacted.)

	YES	NO	EXPLAIN
6. Sophisticated counter surveillance? (CCTV, intrusion devices, etc.)			
7. Are the suspect(s) 8 strikes candidates involving violence?			
8. Do the suspect(s) have prior convictions for violence against peace officers?			
9. Security screens on doors and / or windows?			
10. Have specific threats of violence been made recently against peace officers?			
11. Booby traps believed to be on premises?			

When preparing an operational plan, this checklist shall be incorporated into the plan and used to evaluate the need for assistance from the Special Enforcement Detail.

Any number of circumstances may dictate that a Special Weapons Team be used. Deputies and supervisors are encouraged to contact a Special Enforcement Detail (S.E.D.) supervisor whenever questions arise concerning the evaluation of the above listed criteria.

Special Enforcement Detail Contacted? Yes _____ No _____ Date / Time _____

Mission Accepted? Yes _____ No _____ If not accepted, explain briefly: _____

Prepared By: _____ Date: _____

Reviewed By: _____ Date: _____



SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT

SPECIAL ENFORCEMENT DETAIL
S.W.A.T.

HIGH RISK WARRANT WORKSHEET

General Information

A. Date and time request received	
B. Requestor and Unit	
C. Date and time of service	
D. S.E.D. Team Leader	
E. Detail #	

Warrant Information

A. Case agent:	Phone#	Pager#
B. Type of warrant:	Search_____	Arrest_____ Other_____
C. Service time authorized:	Night_____	Day_____ Both_____
D. Copy of warrant received?		
E. Special restrictions on warrant?		

Criteria Justifying S.E.D. Service

	Yes	No	Explain
1. Is the location fortified? (Sallyports, internal fortifications, multiple gates, steel doors, etc.)			
2. Firearms on premises and the suspect(s) have made threats to use them?			
3. Automatic weapons, explosive or military ordinance on the premises?			
4. Suspect(s) wanted for felonious assault on peace officer involving weapons?			
5. Is there a likelihood of a violent / armed confrontation?			

SED WARRANT WORKSHEET - PAGE 2

ejd/5-98

6. Sophisticated counter surveillance?			
7. Are the suspect(s) 3 strikes candidates involving violence?			
8. Do the suspect(s) have prior convictions for violence against peace officers?			
9. Security screens / bars on doors or windows?			
10. Have specific threats of violence been made against peace officers?			
11. Booby traps believed to be on the premises?			
12. Other (Specify)			

Location Information

A. Address:		Phone#
B. Type of structure:		
Single family house	___	Duplex
Mobile home/trailer	___	Condo
Office/business	___	Apartment
		Other(Specify) _____
C. Structure construction:		
Wood	_____	Stucco
		Brick
		Concrete
D. General description:		
1. Primary color:		2. Trim color
3. Type of roof:		4. Identifying features:
5. Estimated square feet:		
E. Perimeter of structure/site:		
1. Dogs:		Type/location:
2. Alarms:		Type/location:
3. Lookouts:		Type location:
4. Fences:		Type/location:
5. Walls:		Type/location:
F. Security lighting?		Type/location:
G. Other physical obstacles?		Type/location:
H. Windows (Size, type of frame and type of glass)		
1. Side #1:		
2. Side #2:		
3. Side #3:		
4. Side #4:		

I. Are windows barred and/ or fortified on interior or exterior? Type/location:
J. Are there drapes, curtains or blinds over windows? Type/location:
K. Any windows suitable for Entry Points? Location:
L. Doors (List type, locking mechanism and direction door opens) Side #1: Security door? Yes/No/Unk Side #2: Security door? Yes/No/Unk Side #3: Security door? Yes/No/Unk Side #4: Security door? Yes/No/Unk Other:
Specify any additional fortifications on doors:
M. Utilities (List location of shut offs) 1. Electric: 2. Gas: 3. Water: 4. Phone:
N. Out building information (List type, location and description) Are the out buildings included in the warrant? Yes/No

Suspect / Occupant Information

A. Number of SUSPECTS believed to be residing at the site: (Attach Suspect data sheet on each)			
B. Are there any other ASSOCIATES/ OCCUPANTS believed to be residing at the site?			
			Yes/No/Unk
Name	Age/DOB	Sex/Race	Relation to suspect
1.			
2.			
3.			
4.			
5.			

C. Are there any indications of children residing at site? Yes/No/Unk Specify:	
D. Is there any likelihood of additional persons on site at time of service? (ie. Buyers, CI or Users) Specify:	Yes/No/Unk

Weapon Information

A. Are weapons believed to be on site? Specify:	Yes/No/Unk
B. Are explosives believed to be on site? Specify:	Yes/No/Unk

Scouting information

A. Drive by with Case agent conducted? Date & time by whom:	Yes/No
B. Ground photos and/or videos taken? Date & time by whom:	Yes/No
C. Aerial photos and/or video taken ? Date & time by whom:	Yes/No
D. Interior diagram obtained? Information obtained from (Case agent, CI or other specify)	Yes/No
E. ARJIS check completed?	Yes/No
F. CDL check of suspect?	Yes/No
G. Backwards Directory check conducted?	Yes/No
H. Criminal history check of suspects and occupants?	Yes/No
I. Vehicles registered to suspect checked?	Yes/No

Emergency Medical Support

A. Fire Department Paramedics / Lifelight Nurses notified/ Paramedics or Nurses assigned:	Yes/No
B. Emergency landing zone location:	

<p>C. Emergency hospital location and route:</p> <p>1. Police:</p> <p>2. Suspects:</p>

Support Units

A. Uniformed patrol support required? Assignment:	Yes/No
B. Aerial support required? Assignment:	Yes/No
C. Other support unit(s) required? Specify unit and assignment:	Yes/No

Route Information

A. Route from staging location to target:	
B. Vehicle line-up:	
1.	8.
2.	9.
3.	10.
4.	
5.	
6.	
7.	

Command and Control Information

A. Tactical Staging Area location:	
B. Incident Command Post location:	
C. SWAT Commander:	
D. SWAT radio frequencies: Primary:	Alternate:
E. Support unit(s) radio frequency:	

SED SUSPECT DATA SHEET

NAME:		AKA:	
ADDRESS:		PHONE#	
RACE:	SEX:	HGT:	WGT: BUILD:
HAIR COLOR:		LENGTH:	STYLE:
EYE COLOR:		GLASSES:	FACIAL HAIR:
TATTOOS, SCARS, MARKS, ETC.			
LANGUAGE SPOKEN:			
DETAILED CLOTHING DESCRIPTION:			
PRIOR CRIMINAL HISTORY:			
YEAR	CHARGE(S)	DISPOSITION	
PHOTOGRAPH ATTACHED? Yes/No			

MISC. INFORMATION:

SED HIGH RISK WARRANT SERVICE PROTOCOL

REQUEST IS RECEIVED BY SED TO EXECUTE HIGH-RISK WARRANT

Any team member can receive the request and prepare a service request.

Before accepting the mission, the request is reviewed by an SED Sergeant and Lieutenant. The final decision to accept or reject a mission is made by the SED Lieutenant based upon the threat assessment criteria that is established in the High Risk Entry Checklist and any other relevant factors.

Once the mission has been accepted, a team from SED, including one Team Leader, is assigned to prepare the operational plan.

DEVELOPMENT OF HIGH-RISK WARRANT OPERATIONAL PLAN

THREAT ASSESSMENT:

SED deputies are assigned to conduct an independent threat assessment. This includes:

- Criminal history research
- Premise history research
- Interviews with informants (whenever possible)
- Photographs & physical descriptions of known suspects
- Photographs & descriptions of known occupants
- Presence of children, elderly and/or infirm
- Presence of vicious dogs or other threats

SCOUTING:

The case agent will personally escort SED deputies to the target location to ensure correct target identification.

SED deputies conduct a comprehensive scouting mission of the target location. Either one or both of the SED sergeants will personally visit the target during this phase. From this, the following will be obtained:

- Ground level photographs
- Aerial photographs
- Diagrams (external)
- Floor plans

**SED HIGH-RISK WARRANT PROTOCOL
PAGE 2**

OPERATIONAL PLAN:

The team develops a High-Risk Service Order package (attached) which is distributed to every team member prior to execution of the warrant.

OPERATIONAL PLAN REVIEW:

Prior to the execution of the warrant, (usually a day or two before) the SED training coordinator, one or both sergeants, the lieutenant, and/or captain (usually both) are briefed by the warrant prep team on the entire mission, including the tactical plan. The SED Lieutenant, subsequent to this briefing, gives final approval for the mission. Additionally, the search warrant is reviewed to ensure correct location information, night service authorization (when needed), etc. Unless the affidavit has been sealed it, too, will be reviewed.

On complicated missions, SED often elects to conduct a rehearsal of the warrant service on a day preceding the actual service.

WARRANT SERVICE:

On the day of the warrant service, surveillance at the target will begin by the investigative unit at least one hour prior to execution of the warrant.

The members of the warrant prep team, the lead investigator and the Tactical Sergeant brief the entire team.

Photos of the target, any known suspects and other occupants of the residence are displayed, as are all diagrams, floor plans and maps of the target and surrounding area.

Each team member is required to read a copy of the warrant and the Operations Order.

A member of the warrant prep team reads the entire Operations Order out loud, and questions are addressed.

Crisis negotiators attend the briefing in the event the incident should develop into a barricaded suspect or hostage situation.

The SED Lieutenant prior, to its execution, advises the Communications Center of the mission.

**SED HIGH-RISK WARRANT PROTOCOL
PAGE 3**

Team members who have actually been to the target on previous occasions lead a caravan to the target.

The SED Lieutenant and/or Captain are in radio contact with the team throughout the mission. They are staged near the target location with the investigative team, CNT members and medical personnel.

SCENE TRANSITION:

One member of the Entry/Take-down team is tasked with preparing the scene transition report. This report documents the identity of the occupants of the target residence, where they were located and by which team member. This report is given to the lead investigator prior to SED securing from the scene.

AFTER ACTION:

Immediately following the warrant service, the Tactical Sergeant leads a team debriefing at the staging area during which the mission is critiqued.

An after action report is completed by one of the SED supervisors on every warrant service, as well as all tactical missions. It is reviewed and approved by the SED Lieutenant. A copy of this report is given to the case agent and the original is kept on file at the SED office, along with the entire warrant package.

HIGH-RISK WARRANT TACTICS – PROS & CONS

DYNAMIC ENTRY

PROS:

- * Event contained to single location.
- * Reduces mobility of suspect(s)
- * If surprise is achieved, suspect(s) rapidly secured
- * Reduces potential for evidence destruction
- * Reduces exposure to bystanders
- * May be safer for occupants of target residence: speed, surprise aggressive action often mitigate suspects actions

CONS:

- * Greater danger to SWAT Team members
- * Greater danger to occupants of target
- * Greater likelihood of property damage
- * Team members exposed to defensive measures of suspect(s)

SURROUND & CALLOUT

PROS:

- * Safer for SWAT Team members.
- * Best containment of site
- * Allows for controlled evacuation of area
- * Reduces danger to occupants of target
- * Reduces likelihood of property damage
- * Confines suspect to contained location

CONS:

- * Narcotic evidence destruction very likely
- * Allows suspect(s) opportunity to defend site
- * Provides suspect(s) ability to take initiative, forcing team to be reactive to his actions (i.e. hostage taking)
- * May be subject to changing conditions, i.e., schools letting out, rush hour traffic, media attention

TAKE-DOWN AWAY

PROS:

- * Separates the suspect from support group
- * Possibly reduces the number of suspects to be dealt with
- * Usually reduces the suspect's access to weapons, ammunition
- * Suspect removed from his comfort zone
- * Limits exposure of innocent civilians at target

TAKE-DOWN AWAY

CONS:

- * High mobility creates risk to innocent civilians
- * May result in hostage situation if take-down not accomplished
- * Time/labor intensive (waiting for suspect to become mobile)
- * Difficult to control and preplan for location of potential Confrontation
- * Places deputies in situation of reduced ballistic protection (Vehicle hot-stop or assault)

CONSIDERATIONS REGARDING LAW ENFORCEMENT TACTICAL MISSIONS

1. Do we have a lawful right to be where we are and to do what is proposed?
 - * Arrest warrant
 - * Search warrant
 - * Exigent circumstances
 - * Immediate threat to life
 - * Prevent escape

2. Do the circumstances justify the use of a tactical team?
 - * Has a crime even been committed?
 - * Does the nature of the crime justify the use of a tactical team?
 - * Is the suspect armed?
 - * What weapons are known to be involved – available?
 - * Has the suspect been given the opportunity to surrender and refused?
 - * Has the suspect used deadly force?
 - * Does the suspect present an immediate threat to the public safety?
 - * Is the suspect in a position of advantage?
 - * Will the introduction of a tactical team possibly provoke a violent response?

3. Have we taken every step to ensure we are at the correct location?
 - * Witness debrief
 - * Premise history
 - * Beat knowledge
 - * Investigative research

4. Can the situation likely be resolved safely through negotiations?
 - * Is time on our side?
 - * Most barricaded suspect situations are safely resolved through negotiations

5. Do the circumstances warrant a crisis entry?
 - * Down officer
 - * Victim rescue
 - * Active shooter

6. Do the circumstances warrant the immediate use of deadly force to neutralize the suspect(s)? (Long rifle shot based upon circumstances, not red light/green light order)

- * Hostage execution
- * Random active shooter
- * Suspect sniper

7. Suspect Information

- * Does the suspect have a violent history?
- * Present mental and emotional state
- * Previous similar acts – how resolved
- * Military, Special Forces, explosives experience
- * Known access and/or expertise with weapons – munitions

8. Consequences of Tactical Mission

- * Have all other options been explored?
- * Evacuation of neighbors
- * Chemical agents cross contamination
- * Proximity to schools, day care centers, rest homes, hospitals

9. Risk vs. Benefit Decision Making

This is an ongoing process involving the Incident Commander, SWAT Commander, Tactical Team Leader and CNT Commander. Circumstances change. Decision-making must be an on going process. A static situation may become dynamic in a split second. We must be prepared for the worst case scenario and to change tactics accordingly.

10. Other Considerations

- * The preservation of life, including our own, is the highest priority.
- * The compelling need to take action must, at times, be suppressed. Protracted negotiations may be the best course of action.
- * There are occasions when immediate and decisive action must be taken.
- * Relief for the team members must be considered. Fatigue, hunger, exposure to the elements all impact the amount of time a team can be effective. Utilization of another agency's tactical team for relief may be a necessity.
- * These are extremely high stakes situations, and our actions will be closely scrutinized.

APPENDIX D

**AGREEMENT BETWEEN THE CITIES OF PALO ALTO
AND MOUNTAIN VIEW FOR JOINT POLICE SERVICES**

This contract is dated for identification this 19th day of January, 1998, and is made by and between the CITY OF MOUNTAIN VIEW, a California Charter City and municipal corporation, whose address is P.O. Box 7540, Mountain View, California, 94039 (hereinafter "MOUNTAIN VIEW"), and the CITY OF PALO ALTO, whose address is P.O. Box 10252, Palo Alto, CA 94303 (hereinafter "PALO ALTO").

RECITALS

A. MOUNTAIN VIEW and PALO ALTO share not only a common boundary and proximity but also overlapping demands for Police responses, often to high-risk/critical incidents which require the specialized attention of a team trained specifically to be effective in highly volatile situations.

B. The Police Departments of MOUNTAIN VIEW and PALO ALTO have long recognized that mutual aid and cooperation in response to critical incidents can be enhanced and made more flexible and effective by combining forces for hostage negotiation and special weapons and tactics purposes.

C. The City Councils of MOUNTAIN VIEW and PALO ALTO now desire to formally establish and confirm the framework for this cooperative effort as well as to clarify the legal relationships resultant from that ongoing cooperative arrangement.

NOW, THEREFORE, in consideration of the recitals and mutual promises contained herein, it is agreed as follows:

1. **Personnel and Supervision.**

The Regional Team shall consist of a Special Weapons and Tactics ("SWAT") team and a Hostage Negotiations Team ("HNT"). The Regional Team configuration may be comprised of as many subteams or reserve teams as needed for a particular incident.

MOUNTAIN VIEW and PALO ALTO will both assign and maintain officers and supervisors for the SWAT team and HNT sufficient to provide appropriate joint coverage for critical incidents in either city which may typically require response by the Regional Team or its components.

The Police Chiefs from MOUNTAIN VIEW and PALO ALTO shall establish minimum qualifications for Regional Team members, including physical agility and tactical firearms qualifications, and shall establish an appropriate selection process for

Regional Team members. While participating in any high-risk/critical incidents or any training exercises, any Police Officer, civilian employee, Community Services Officer or volunteer shall be subject to the exclusive chain of command of the Regional Team.

Any Internal Affairs investigation requested by any supervisor will be referred to and performed by the agency employing the respective officer involved in the conduct to be reviewed. Any administrative action resulting from such investigations shall be a matter left up to the discretion of the employing agency.

Each participating agency will be responsible for the personnel costs and obligations associated with the staff it assigns to the program, including base salary, overtime salary and fringe benefits, Workers' Compensation, retirement, etc.

2. Policies and Procedures.

Each officer assigned to the program will follow the general orders on the use of deadly force, use of lethal force, operation of Police vehicles and any other general operating procedures adopted by the parties for operation of the Regional Team.

The Police Chiefs of MOUNTAIN VIEW and PALO ALTO shall establish procedures for the operation of the Regional Team conforming to the California standardized Emergency Management System requirements, including, but not limited to, executive oversight of the Regional Team, chain of command control over the critical incident responses, and procedures for activation of the Regional Team in response to critical incidents. The city where a critical incident is located shall assume the role of supervising agency for requesting activation of the Regional Team. The incident commander for that supervising agency shall be assigned at the command officer (Lieutenant or higher rank) level and shall direct the nature and scope of response by the appropriate elements of the Regional Team.

The Police Chief (or delegate) of each city may decline to respond to a request for negotiation or tactical unit services through the Regional Team or may withdraw all personnel/services for any resource or policy reason but, in general, each city shall respond to a request for Regional Team services in the other city as promptly and fully as possible.

3. Civil Liabilities

While assigned to the Regional Team pursuant to this Agreement or while operating with the Regional Team for limited or special purposes, each party's employees so assigned shall be considered to be special employees of the other party.

MOUNTAIN VIEW and PALO ALTO agree to release each other and hold each other harmless, as well as their officers and employees, for any loss or liability

arising from the activities of the Regional Team pursuant to this Agreement. Except as otherwise provided herein, each party agrees to indemnify, defend and hold harmless the other parties, their officers, agents and employees from any and all demands, claims or liabilities of any nature, including death or injury to any person, property damage or other loss caused by or arising out of the performance or failure to perform the obligation assumed under this Agreement.

4. Implementation Guidelines.

The Police Chiefs of both cities shall jointly promulgate written guidelines for the implementation of this Agreement. Said guidelines shall be in writing and approved by the City Attorney as to form. Such guidelines may be changed as necessary by similar agreement.

5. Termination of Agreement.

This Agreement may be terminated by either party at any time, without cause, upon giving the other party written notice thereof. Notice of Termination may be issued by the Police Chiefs of the respective agencies.

IN WITNESS WHEREOF, this Agreement is executed by MOUNTAIN VIEW and PALO ALTO.

POST SWAT Operational Guidelines - 2005.pdf

SWAT



POST2005TPS-0369.1

OPERATIONAL GUIDELINES AND STANDARDIZED TRAINING RECOMMENDATIONS

California POST



SWAT

OPERATIONAL GUIDELINES
AND
STANDARDIZED
TRAINING RECOMMENDATIONS

POST2005TPS-0369.1



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■ **SWAT Operational Guidelines
and Standardized Training Recommendations**

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California Commission on Peace Officer Standards and Training (POST)

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ACKNOWLEDGEMENTS

■ This manual could not have been developed without the combined efforts of a great number of dedicated individuals and interested parties.

POST would like to extend its gratitude to the many law enforcement officers, supervisors, managers, and support staff who contributed to the success of this project.

FOREWORD

■ Penal Code Section 13514.1 directs the Commission to develop and disseminate guidelines and standardized training recommendations for law enforcement officers, supervisors, and administrators, who are assigned to perform, supervise, or manage Special Weapons and Tactics (SWAT).

The operational guidelines address legal and practical issues of SWAT operations, personnel selection, fitness recommendations, planning, tactical issues, safety, after-action evaluation of operations, logistical and resource needs, uniform and firearms recommendations, risk assessment, policy considerations, and multi-jurisdictional SWAT operations.

POST assembled over 130 law enforcement practitioners, managers, and executives to develop these guidelines. SWAT subject matter experts met throughout 2004 to provide input regarding the highly specialized components of SWAT operations and training. The SWAT Executive Committee, comprised of law enforcement chief executives, administrators, and SWAT practitioners, met to review recommendations of subcommittees. The California Attorney General’s Blue Ribbon SWAT Report 2002 has been considered at each step in the process and used as a guiding document in developing these operational guidelines and standardized training recommendations. The Commission appreciates the efforts of the POST Special Weapons and Tactics committee members who developed and reviewed the guidelines.

These SWAT guidelines reflect recent law changes and contemporary thinking concerning tactical law enforcement operations. They are deliberately brief and are intended to be elaborated upon by law enforcement administrators and training presenters.

For questions concerning the guidelines, please contact Training Program Services at (916) 227-4885. For questions concerning basic or update training, please contact your area consultant in Training Delivery at (916) 227-4863 or via the Regional Map on our website at www.post.ca.gov.

KENNETH J. O’BRIEN
Executive Director

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INTRODUCTION

■ The following are guidelines and standardized training recommendations for managing, operating, and training law enforcement SWAT teams in the State of California in accordance with Penal Code Section 13514.1. The intent of these guidelines is to provide helpful guidance to law enforcement agencies in the formation, oversight, operation, and training of effective SWAT teams. To the extent possible, “best practices” have been identified and incorporated into these guidelines. While these guidelines encourage some degree of standardization of SWAT, it is recognized that local conditions and needs vary considerably and therefore flexibility is afforded agencies. These guidelines pay particular attention to the SWAT aspects that focus on effectiveness, safety and prevention of problematic critical incidents.

NOTE: In the following sections, operational guidelines and standardized training recommendations are identified in **regular type** with explanatory information in *italicized type*.



1.0

DEFINITION OF SWAT

1.1 A Special Weapons and Tactics (SWAT) team is any designated group of law enforcement officers who are selected, 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.

► *The primary characteristic of SWAT that distinguishes it from the other units is the focus of effort. SWAT teams are focused on tactical solutions, as opposed to other functions, such as investigation. The purpose of SWAT is to increase the likelihood of safely resolving critical incidents. Nothing in these guidelines is intended to preclude agencies from utilizing specially trained units in areas such as narcotics investigations, felony apprehension, and other tasks.*



2.0

SWAT TEAM COMPONENTS

- 2.1 SWAT teams should develop sufficient resources to perform the three basic operational functions:
 1. Command and Control
 2. Containment
 3. Entry / Apprehension / Rescue

▶ *Appendix A provides a suggested listing of activities for each operational component.*



3.0

POLICY CONSIDERATIONS

3.1 A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to the particular agency. This assessment should consider the team’s capabilities and limitations and should be reviewed periodically.

3.2 Policies and procedures specific to SWAT organization and operations should be established and maintained by the agency. These policies and procedures should address, at a minimum:

- The locally identified specific missions the team is capable of performing
- Team organization and function
- Personnel selection and retention criteria
- Training and required competencies

3.0 *continued*

POLICY CONSIDERATIONS

- Procedures for activation and deployment
 - Command and control issues, including a clearly defined command structure
 - Multi-agency response
 - Out-of-jurisdictional response
 - Specialized functions and supporting resources
- ▶ *These policies and procedures should take into consideration POST guidelines and standardized training recommendations.*



4.0

RISK ASSESSMENT

4.1 Agencies should conduct a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.



5.0

PLANNING

- 5.1 Mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
 - ▶ *When possible, briefings should include the specialized units and supporting resources.*

- 5.2 SWAT teams should designate personnel responsible for developing an operational or tactical plan prior to and during SWAT operations.

- 5.3 All SWAT team members should have an understanding of operational planning.
 - ▶ *Skill redundancy in knowledge of planning procedures for SWAT team members improves performance in rapidly developing scenarios.*

5.0 *continued*

PLANNING

5.4 SWAT team policies and training should consider planning for both spontaneous and planned events.

5.5 SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

▶ *Where resources allow, consideration should be given to integrating Tactical Emergency Medical Support (TEMS) personnel within the structure of the SWAT team.*



6.0

LOGISTICAL AND RESOURCE NEEDS

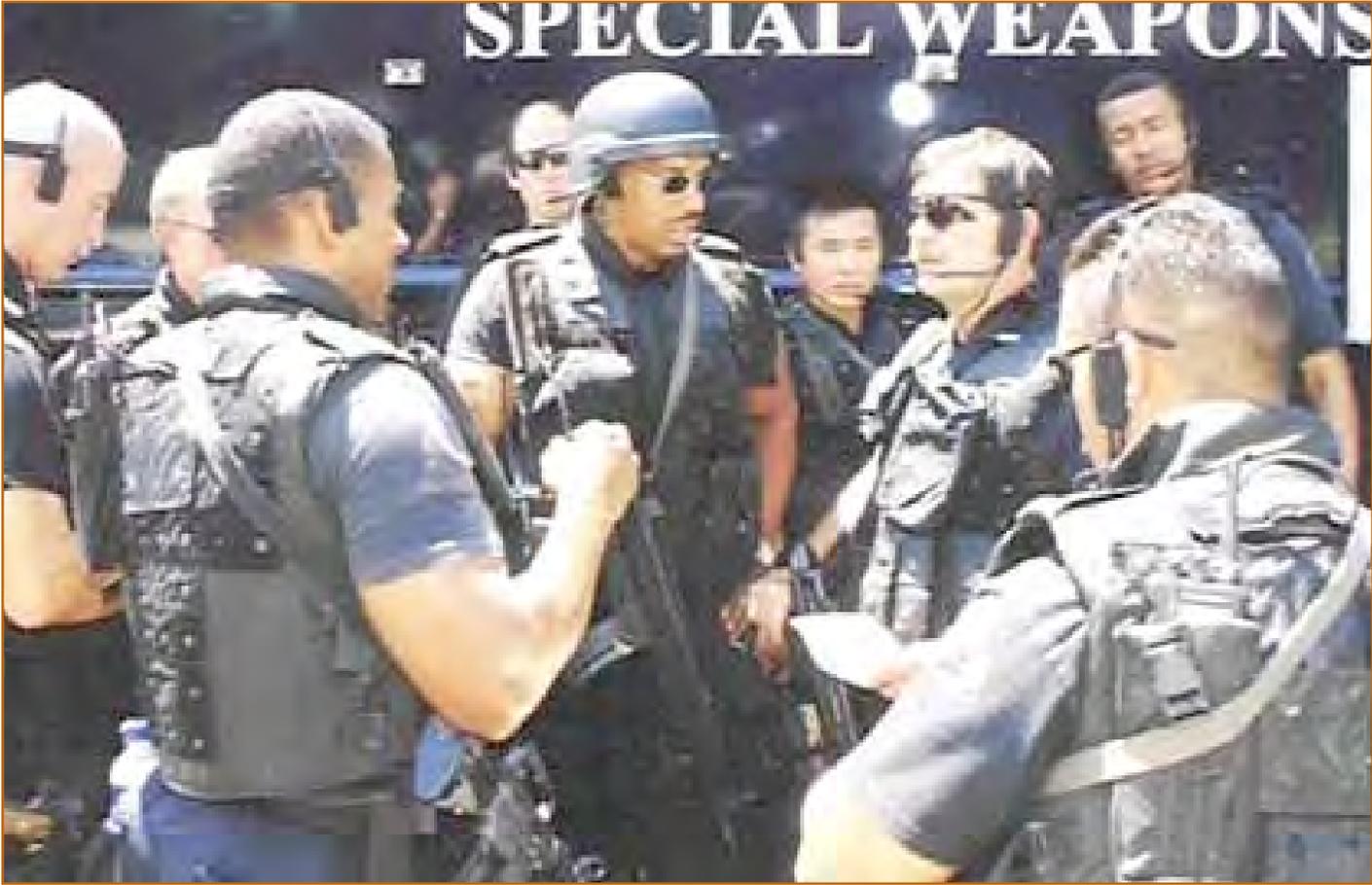
- 6.1 SWAT teams that anticipate augmentation by specialized resources should incorporate use of those resources into their planning and training.
 - ▶ *Refer to section 13.0 for further guidelines on Specialized Functions and Supporting Resources.*



7.0

LEGAL AND PRACTICAL ISSUES OF SWAT OPERATIONS

- 7.1 Agencies should develop protocols to maintain sustained operations, which may include relief, rotation of personnel, and augmentation of resources.
- 7.2 Agencies should develop procedures for post-incident scene management, including documentation and transition to investigations and other units.
- 7.3 Agencies should consider the use of tactically trained personnel for communications and record keeping during SWAT operations.



8.0 UNIFORMS, EQUIPMENT, AND FIREARMS

8.1 SWAT teams 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.*

8.2 SWAT teams should be adequately equipped to meet the specific mission identified by the agency.

8.3 Within the respective agency, 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.



9.0

PERSONNEL SELECTION, PHYSICAL FITNESS AND CORE SKILLS PROFICIENCY

- 9.1 Minimum requirements for both initial selection and full deployment with the SWAT team should be established by the agency based upon resources available and identified local needs, POST guidelines, and sound risk management practices.
 - ▶ *Agencies should ensure that the SWAT selection process is reasonable, job related, and unbiased.*

- 9.2 Agencies should establish physical fitness standards for the selection and retention of SWAT team members.
 - ▶ *Agencies should consider conducting physical fitness assessment at least annually. Policies should be established for failure to comply with these standards.*

PERSONNEL SELECTION, PHYSICAL FITNESS AND CORE SKILLS PROFICIENCY

9.0 continued

9.3 Agencies should establish SWAT core skills proficiency levels for SWAT team members.

▶ Agencies should consider conducting core skills proficiency assessment at least annually. Policies should be established for failure to maintain these proficiencies.

▶ See **Guideline 10.2** and **Appendix C** for a listing of core competencies and elements.



10.0

SWAT TRAINING

10.1 **Initial Training**

10.1.1 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 as determined by the agency.

► *Appendix B* provides the training recommendations for the POST Basic SWAT Course.

10.1.2 Appropriate training, prior to full deployment, should also be incorporated into agency policy for the specialized SWAT functions and other supporting resources.

10.2 **Recurrent Core Competency Training**

10.2.1 SWAT teams should participate in documented and verifiable monthly training to maintain individual and team core competencies as determined by the type and extent of SWAT missions and operations performed.

▶ *SWAT core competencies fall within three general categories:*

- Weapons, munitions, and equipment training
- Individual and team movement and tactics
- Decision-making

▶ *Appendix C provides a listing of SWAT operator core competencies and elements for each competency.*

▶ *Ongoing training in the respective core competencies should also be incorporated into policy for the specialized SWAT functions and supporting resources.*

10.3 **Update and Refresher Training**

10.3.1 SWAT team Operators and SWAT Supervisors/team leaders should attend 24 hours of POST-certified SWAT update or refresher training, or its equivalent (as determined by the agency), every 24 months.

▶ *Appendix C provides a listing of SWAT operator core competencies and elements for each competency.*

10.4 **Supervision and Management**

10.4.1 Command and executive personnel who provide active oversight at the scene of SWAT operations should understand the purpose and capabilities of the team(s).

▶ *Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level.*

10.4.2 Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course, or its equivalent.

10.4.3 SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

▶ ***Appendix D** provides the training recommendations for the POST Tactical Commander Course.*

10.5 **Approval of Prior Training**

10.5.1 Agencies with SWAT teams should establish procedures to recognize previous training of members so as to preclude unnecessary, redundant training.

▶ *As a general rule, previously completed training may be considered equivalent when the hours and content (topics) meet or exceed agency requirements or POST’s standardized training recommendations.*

10.0 continued

SWAT TRAINING

10.6 **Training Safety**

10.6.1 Use of a designated safety officer should be considered for tactical training.

▶ *Refer to POST Guidelines for Student Safety in Certified Courses for further training safety information.*

10.7 **Scenario-Based Training**

10.7.1 SWAT teams should participate in scenario-based training.

▶ *Scenario-based training that simulates the tactical operational environment is an established method of improving performance during an actual deployment.*

10.8 **Annual Training Plan**

10.8.1 SWAT teams should develop an annual training plan based on a training needs assessment.

▶ *An annual training plan helps SWAT teams to identify and prioritize training needs and schedule accordingly.*

10.9 **Training Documentation**

10.9.1 Individual and team training should be documented and records maintained by the agency.

▶ *Documentation of individual and team training/performance can contribute to long-term reduction of liability and aid in investigations.*



11.0 MULTI-JURISDICTIONAL SWAT OPERATIONS

11.1 The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, or working relationships to support multi-jurisdictional or regional responses.

11.2 SWAT multi-agency and multi-disciplinary joint training exercises are encouraged. Specialized SWAT units and supporting resources should also participate.

▶ *Some agencies may choose to consolidate resources into a regional SWAT team concept.*

▶ *Samples of initial suggested protocols and multi-jurisdictional agreements can be obtained through the POST clearinghouse, upon request.*



12.0

AFTER-ACTION EVALUATION

12.1 After-action team debriefings should be conducted.

▶ *Evaluation and analysis of critical incidents affords opportunity for individual and team assessment, helps to identify training needs, and reinforces sound risk management practices. When appropriate, the debriefings should include specialized units and resources.*



13.0

SPECIALIZED FUNCTIONS AND SUPPORTING RESOURCES

13.1 SWAT K-9 Teams

- ▶ *These guidelines are intended as helpful guidance for agencies who utilize K-9 teams on a recurrent basis for deployment with a tactical team.*

Definition of a SWAT K-9 Team

- ▶ *A SWAT K-9 team is a designated unit, consisting of a handler and dog, which is specifically selected, trained, and equipped to work in conjunction with SWAT /tactical teams to assist in tactical incidents.*

Formation and Policy Considerations

- Agencies should establish procedures for both initial selection and full deployment of canine handlers with the SWAT team, which are consistent with POST K-9 guidelines.
- Agencies should establish procedures for the selection of dogs used as part of the SWAT K-9 team.
- Not all police canines are suitable for SWAT operations.

Planning

- SWAT K-9 handlers should be provided with appropriate SWAT-specific safety and communications equipment appropriate to the assigned tactical mission, consistent with department policy.
- SWAT K-9 teams should participate in mission briefings prior to a tactical operation, after-action evaluations and team debriefings.

Training

- Agencies should establish SWAT K-9 core skills proficiency levels for K-9 tactical teams.
- Agencies should conduct core skills proficiency assessment on an ongoing basis.
- [Appendix E](#) provides a suggested listing of core competencies for SWAT K-9 teams.
- SWAT teams and SWAT K-9 teams should jointly participate in documented quarterly scenario-based training to maintain SWAT K-9 team core competencies, consistent with the type of SWAT missions performed.
- It is recommended that the K-9 handler and K-9 successfully complete a SWAT orientation program that emphasizes basic SWAT procedures, practices, and equipment.

13.0 continued

- Command personnel who may assume SWAT K-9 Team command responsibilities and SWAT K-9 handlers should remain current on legal issues pertaining to law enforcement K-9 deployment.

Safety Considerations

- Rescue procedures for the SWAT K-9 team (i.e. handler down) should be developed, trained, and practiced prior to deployment.
- Medical emergency contingency planning should be incorporated as part of the rescue procedures.

Legal and Practical Issues

- SWAT K-9 Teams should be evaluated as to their suitability for deployment with a tactical team prior to deployment and on an ongoing basis.

13.2 Crisis Negotiations Team

Definition of a Crisis Negotiations Team

▶ *A Crisis Negotiations Team (CNT) is a designated group of personnel specifically selected, trained, and equipped to assist in the resolution of critical incidents by means of communication and negotiation with criminal suspects and other persons, often in conjunction with the SWAT/tactical unit.*

Formation

- Agencies that field a SWAT team, or who participate in a regional or multi-jurisdictional team, should develop a Crisis Negotiations component for response to identified critical incidents.
- A Crisis Negotiations Team may be developed as an integral part of the SWAT team/unit, or as a separate entity with its own command structure.

Policy Considerations

► Agencies should organize CNT with regard to the following policy considerations:

- Development of written operating procedures.
- Identification of personnel responsible for operations, training, and equipment maintenance.
- Development of written criteria for the activation and deployment of a Crisis Negotiations Team.
- Institution of procedures for establishing and running the Negotiations Operations Center in coordination with the Tactical Commander and the Incident Commander.

CNT Operational Functions

► Agencies should develop resources sufficient to perform the four CNT operational functions:

- Communications/Negotiations
- Intelligence
- Tactical Liaison
- Logistics.

Initial Training

- CNT members should successfully complete a POST-certified Basic Crisis Negotiator course or its equivalent.
- [Appendix F](#) contains a listing of recommended topics for the Basic Crisis Negotiator course.

Recurrent Core Competency Training

- CNT members should participate in documented quarterly training that maintains proficiency in core competencies, consistent with the type of SWAT missions identified by agency policy. Periodic scenario-based training, in conjunction with the SWAT team, is encouraged.
- [Appendix G](#) provides a suggested listing of CNT core competencies.

13.0 continued

CNT Supervision and Management

- Command personnel who may assume CNT command responsibilities should attend a SWAT or critical incident commander course, or its equivalent, which includes curriculum regarding crisis negotiations protocols.

13.3 Long Rifle/Observer Teams

Definition of a Long Rifle/Observer Team

▶ *A Long Rifle/Observer Team is a designated unit of law enforcement officers who are selected, trained, and equipped to work as an element of the SWAT team in the resolution of critical incidents by providing observation, cover, and the employment of precision fire.*

- Long Rifle/Observer Teams are most often a component of SWAT. However, it is recognized that some agencies train and deploy Long Rifle/Observer Teams in coordination with, but distinct from, the SWAT team.

Formation and Policy Considerations

- Agencies should develop sufficient training and resources to perform the basic functions of the Long Rifle/Observer Team.
- A Long Rifle/Observer Team should consist of two officers, cross-trained as both Long Rifle Operator and Observer.

Initial Training

- Long Rifle Operators should not be deployed until successful completion of a POST-Certified Basic Long Rifle Course, or its equivalent.
- [Appendix H](#) provides information about the Basic Long Rifle Course.

Recurrent Core Competency Training

- Long Rifle Operators should participate in documented and verifiable training on a monthly basis that maintains individual and team core competencies consistent with the type of SWAT missions performed.

Long Rifle/Observer core competencies fall within three general categories:

- Fundamentals of Precision Shooting
- Tactics
- Observation/Communication

Long Rifle Operators should demonstrate proficiency on at least a quarterly basis with assigned firearms.

Safety Considerations

- Appropriate safety precautions should be incorporated into Long Rifle/Observer Team training.
- The use of a safety officer is recommended.

▶ *Refer to POST Guidelines for Student Safety in Certified Courses for further training safety information.*

13.4 SWAT Operations in a Weapons of Mass Destruction (WMD)/Terrorism Event

▶ *SWAT teams may be tasked with preparing the tactical component of the governmental response to a potential exposure to chemical, biological, radiological, nuclear, or explosive (CBRNE) hazards. Agencies should recognize that tactical operations in a CBRNE environment are highly specialized. SWAT teams may not be prepared to handle these incidents alone, and should consider a coordinated regional response by local, state, and federal agencies.*

13.0 *continued*

13.5 SWAT Waterborne Operations

▶ *Definition*

For the purposes of this section, waterborne operations refer to the deployment of specially trained SWAT Operators to engage in tactical operations associated with the waterborne environment.

Needs Assessment

- A needs assessment should be conducted to determine the type and extent of SWAT waterborne missions and operations appropriate to the agency.

Training

- SWAT teams who anticipate utilizing waterborne support in recurrent missions should complete initial vessel orientation and training prior to deployment.
- SWAT Teams who anticipate utilizing waterborne support for recurrent missions should incorporate maritime training in the annual training plan.
- [Appendix I](#) provides a listing of SWAT operator core competencies associated with the maritime environment.

Planning

- Consideration should be given to the proper selection of equipment related to locally identified mission profiles.
- Vessel operators should participate in the development phase of mission planning to ensure appropriate assets are in place for the identified mission profile.
- Prior to commencing underway operations, the vessel operators and crew should conduct a safety briefing, including vessel safety and emergency procedures.

13.0 *continued*

Multi-jurisdictional Issues

- Agencies involved in waterborne tactical operations should develop protocols, agreements, and/or working relationships with other agencies that may be operationally affected due to statutory, cross jurisdictional, or multi-jurisdictional requirements.

13.6 SWAT AIRBORNE OPERATIONS

▶ *Definition*

For the purposes of this section, a tactical airborne operation refers to the use of air support as a resource in coordination with SWAT to resolve critical incidents.

■ Formation and Policy Considerations

A needs assessment should be conducted to determine the type and extent of SWAT air support missions and operations appropriate to the particular agency.

- The agency, in coordination with SWAT and the air support provider, should develop procedures for the tactical use of the aircraft.

Planning

- Aircrews should participate in the development phase of mission planning and risk assessment to ensure appropriate assets are in place for the identified mission parameters.
- Aircrews should participate with SWAT in after-action evaluation of operations and debriefings.

Safety Considerations

- Prior to commencing operations, a designated air crew member should conduct a safety briefing, including aircraft safety and emergency procedures.

Training

- SWAT teams who utilize air support for recurrent missions should incorporate airborne training with the aircraft and air crew members in the annual training plan.

Firearms

- Agencies should develop policies regarding use of firearms and firearms training in an airborne environment.
- Weapons safety is of extreme importance in airborne operations. SWAT teams involved in airborne weapons utilization should conduct periodic training using the aircraft as a shooting platform.

APPENDIX A

BASIC SWAT TEAM OPERATIONAL COMPONENTS

- SWAT teams should develop resources sufficient to fulfill the following three minimum operational components:
 1. **Command and Control Element**
 - a. Planning, organizing, staffing, and directing the overall SWAT operation
 - b. Coordination with the Crisis Negotiations Team
 - c. Liaison with allied agencies
 - d. Mission documentation
 - e. Communications
 - f. Medical support
 - g. Mission debriefings
 2. **Containment Element**
 - a. Control of inner perimeter
 - b. Evacuation
 - c. Tactical deliveries (chemical munitions, equipment, etc.)
 - d. Precision long rifle/observer deployment and support
 3. **Entry/Apprehension/Rescue Element**
 - a. Scouting missions
 - b. Breaching
 - c. Enter, search, and secure objective(s)
 - d. Rescue operations
 - e. Subject/suspect detention

APPENDIX B

BASIC SWAT COURSE TOPICS

■ These course topic recommendations are designed for officers who are assigned to a SWAT/tactical team. The topics address the basic concepts of SWAT, and include practical application and problem solving simulations as effective learning methods. Typical scenarios would include barricaded subjects, hostage situations, warrant service, active shooters, and other high-risk situations. The course should include the following topics:

1. **Introduction**
 - a. Course Objectives
 - b. POST SWAT Project and Guidelines
 - c. Historical Perspective of the SWAT Concept
2. **Performance Evaluation of Team Members**
 - a. Core Competency Training and Compliance
3. **Policy Issues**
 - a. Legal Issues/Civil Liability
 - b. Use of Force
 - c. Mutual Aid Procedures
 - d. SWAT Policies and Procedures
 - e. Importance of Correct Terminology
4. **Basic SWAT Concepts**
 - a. Common SWAT Responses
 - b. Incident Command and Direct Supervision of the SWAT team
 - c. SWAT Activation Criteria
 - d. Team Composition and Duties
5. **Psychological Considerations**
 - a. Post-Trauma Stress
 - b. Stress Management
 - c. Mental Conditioning for Confrontations

Appendix B *continued***Basic SWAT Course Topics**

6. **Physical Considerations**
 - a. Fitness Standards for SWAT Team Members
 - b. Lifetime Fitness Recommendations
 - c. Physical Training for SWAT Team Members
 - d. Emergency Medical Procedures

7. **Overview of Individual and Team Equipment**
 - a. Uniform Equipment
 - b. Weapons and Firearms
 - c. Communications Devices
 - d. Support Equipment and Technology

8. **Operational Planning**
 - a. Importance of Planning
 - b. Structured Planning Format
 - c. Principles of Containment
 - d. Intelligence Gathering
 - e. Pre-Event Planning
 - f. Contemporaneous Planning
 - g. Implementation/Resolution
 - h. Incident De-Briefing

9. **Overview of Specialized SWAT Functions**
 - a. Canines
 - b. Airborne
 - c. Crisis Negotiations
 - d. Explosive Breaching
 - e. Long Rifle/Observer
 - f. Rescue Operations
 - g. Mobile Assaults
 - h. SWAT Response to WMD-related incidents

Appendix B *continued***Basic SWAT Course Topics**

10. **Command Post Operations**
 - a. Field Command Post
 - b. Tactical Operations Center
 - c. Media Considerations

11. **Individual and Team Movement**
 - a. Cover and Concealment
 - b. Team Communications
 - c. Overcoming Obstacles
 - d. Practical Application

12. **Basic Entry and Search Techniques**
 - a. SWAT Arrest and Control
 - b. Buildings and Structures
 - c. Mechanical Breaching
 - d. Open Area Searches
 - e. Practical Application

13. **Chemical Agents in SWAT Operations**
 - a. Overview of Chemical Agents
 - b. Less Lethal Munitions
 - c. Practical Application

14. **Diversionsary Devices**
 - a. Overview of Diversionsary Devices
 - b. Practical Application

15. **Crisis Negotiation**
 - a. Negotiation Concepts and Strategies
 - b. Relationship Between SWAT and Crisis Negotiation Teams

Appendix B *continued***Basic SWAT Course Topics**

16. **Individual and Team Firearms Training**
 - a. Handguns
 - b. Shoulder-fired Weapons
 - c. Practical Application

17. **Training Scenarios and Problem-Solving Simulations**
 - a. Table Top Exercises
 - b. Reality-based Exercises

APPENDIX C

SWAT CORE COMPETENCIES

- This list is intended to assist agencies in determining areas of responsibility for individual SWAT teams and in developing an annual SWAT training plan.

1. Weapons, Munitions, and Equipment

- a. Armored Vehicle Operations
- b. Equipment Familiarization and Maintenance
- c. Firearm Skills (live fire)
 - (1) Handgun
 - (2) Low light/night training
 - (3) Shoulder-fired weapons
- d. Individual Operator's Uniform Maintenance and Wear
- e. Ladder and Other High Angle Access
- f. Lighting Systems (personal, weapons, other)
- g. Mechanical Breaching
 - (1) 12-gauge shotgun breaching
 - (2) Rams, picks, pullers, etc.
- h. Munitions
 - (1) Chemical agents: Options and delivery systems
 - (2) Less lethal impact munitions and delivery
 - (4) Light/sound diversionary devices
 - (5) Other less lethal devices
- i. Night Vision Equipment
- j. Use of Ballistic Shields
- k. Weapons Maintenance

Appendix C *continued***SWAT Core Competencies**

2. **Individual and Team Movement/Tactics**
 - a. Active Shooter Response
 - b. Aircraft Intervention
 - c. Barricaded Subject Operations
 - d. Booby Traps
 - e. Camouflage Techniques
 - f. Conducting Evacuations
 - g. Containment Techniques
 - h. Cover and Movement
 - i. Covert Clearing
 - j. Downed Officer/Citizen Rescues
 - k. Dynamic Clearing
 - l. Emergency Deployment Techniques
 - m. Entries
 - n. High Risk Warrant Service
 - (1) Contain & call-outs
 - (2) Dynamic
 - (3) Remote takedowns
 - (4) Ruses, etc.
 - o. Homicide Bombers
 - p. Immediate Action Drills
 - q. Long Rifle Initiated Assaults
 - r. Night Movement
 - s. Rappelling (rural and/or urban)
 - (1) Airborne
 - (2) Static
 - t. Reactionary Responses
 - u. Rescue Operations – Basic
 - v. Rural Operations

Appendix C *continued***SWAT Core Competencies**

- w. Scouting
 - x. Searching Techniques
 - y. Small Unit Tactics
 - z. Tactical Operation Center
 - aa. Vehicle Assaults
 - (1) Bus assaults
 - (2) Car/van/truck assaults
3. Decision-Making
- a. Mission and Tactical Contingency Planning
 - b. Training Simulations (scenario-based training)
 - c. Barricaded subject/suspect
 - d. High Risk Warrant (dynamic, contain & call-outs, etc.)
 - e. Hostage situations
 - (1) Suicide intervention
 - (2) Other
 - f. Warrant Service Work-ups and Planning
4. Specialized Functions and/or Supporting Resources
- a. Airborne Operations
 - b. Counter-Terrorism
 - c. Executive Protection
 - d. Explosive Breaching
 - e. Long Rifle/Observer
 - f. Marijuana Grow Operations
 - g. Rescue Operations – Advanced
 - h. Riot Response
 - i. Surveillance
 - j. SWAT Canine Integration

Appendix C *continued***SWAT Core Competencies**

- k. Tactical Emergency Medical Support
- l. Team Leader Training
- m. Train/Trolley Assaults
- n. Waterborne Operations
- o. WMD Response

APPENDIX D

SWAT/TACTICAL COMMANDERS' COURSE TOPICS

■ These course topic recommendations are designed for supervisory and command level officers who have SWAT/tactical team responsibility. The topics address the employment of SWAT teams, long rifles, and observers, negotiators, containment, command posts, and other special operations resources. Typical training scenarios would include barricaded subjects, hostage situations, warrant service, active shooters, and other high-risk situations. The course should include the following topics:

1. **Introduction**
 - a. Course Objectives
 - b. POST SWAT Project and Guidelines
2. **Definition of a Critical Incident**
 - a. History of Tactical Operations
3. **Administrative Duties and Responsibilities**
 - a. Personnel Selection and Retention
 - b. Core Competency Training and Compliance
 - c. Documentation
 - d. Policy and Procedures Update and Compliance
 - e. Equipment/New Technology
4. **Legal Issues**
 - a. Civil Liability/Case Law
 - b. Use of Force
5. **Mutual Aid Procedures**
 - a. Policy
 - b. MOU's

Appendix D *continued***SWAT/Tactical Commanders' Course Topics**

- c. Communications
- 6. **Deployment Guidelines**
 - a. Suspect Initiated Events
 - b. Department Initiated Events
- 7. **Tactical Team Operations**
 - a. Warrant Service
 - b. Hostage Rescue
 - c. Barricaded Suspect/Subject
 - d. Mobile Suspect Interdiction
 - e. Open Area Clearing
 - f. Specialty Tactics
 - g. Protection Details
- 8. **Command and Control**
 - a. Incident Command
 - b. Tactical Command
- 9. **Command Post Operations**
 - a. Definition and Functions
 - b. Duties and Responsibilities
 - c. Communications
- 10. **Tactical Operation Procedures**
 - a. Situation Assessment
 - b. Operational Planning
 - c. Force Options
 - d. Medical Support
 - e. Briefing
 - f. Post Operational Debriefing

Appendix D *continued***SWAT/Tactical Commanders' Course Topics**

11. **Tactical Components/Capabilities**
 - a. SWAT Team
 - b. Long Rifle/Observer Team
 - c. Crisis Negotiations Team
 - d. Tactical Dispatch

12. **Tactical Considerations/Missions**
 - a. Containment team (SWAT or Patrol)
 - b. Tactical Emergency Medical Support (TEMS)
 - c. Air Support
 - d. Evacuation
 - e. Arrest/Reaction Team
 - f. Chemical Agents
 - g. Less Lethal Munitions
 - h. Breaching
 - i. Throw Phone/Food Delivery
 - j. Hostage Rescue
 - k. Bomb Squad
 - l. WMD

13. **Training Scenarios and Problem-Solving Simulations**
 - a. Table Top Exercises
 - b. Reality-based Exercises

APPENDIX E

CORE COMPETENCIES FOR SWAT K-9 TEAMS

- SWAT K-9 handler:
 1. Firearms qualification with assigned weapon(s) at least twice per year with K-9 in close proximity to handler.
 2. Team and stealth movement techniques (tactical obedience)
 3. Team approach to objective
 4. Team entry into objective
 5. Directed and non-directed tactical searches
 6. Confined space and limited access insertion and extraction
 7. Limited access searching (confined spaces – attics, crawlspaces, vehicle interiors, etc.)
 8. Long-line utilization
 9. Ability to recall K-9 during tactical searches
 10. Auditory alert by K-9 upon locating inaccessible suspect
 11. Hand and/or audible down commands for K-9 during tactical search
 12. Calm/controlled behavior by K-9 during search exercises.
 13. Calm/controlled behavior by K-9 with team during live fire exercises.
 14. Operating in a chemical agent and smoke environment
 15. Operating in conjunction with diversionary device deployment
 16. Tactical out and team arrest procedures.
 17. Tactical tracking consistent with agency procedures
 18. Suspect containment
 19. Suspect apprehension
 20. Suspect distraction
 21. Clearing high-risk areas (entryways, stairwells, hallways, etc.)
 22. Extraction of a non-compliant high-risk subject
 23. Other skills consistent with agency mission profile, based on local needs

APPENDIX F

BASIC CRISIS NEGOTIATOR COURSE RECOMMENDED COURSE TOPICS

■ These course topic recommendations are designed for personnel who are assigned to a Crisis Negotiation Team (CNT.) These topics address the basic concepts of crisis negotiations, and include practical application and problem solving simulations as effective learning methods. The course should include the following topics:

1. Historical Perspective
 - a. Significant Events Affecting Early Negotiations
 - b. Modern Day Negotiations
 - c. Centralized vs. Decentralized Team Concepts

2. Basic Negotiations Theory
 - a. Three “Cs” of Negotiations
 - (1) Containment
 - (2) Control
 - (3) Communication

3. Crisis Negotiations Team Structure
 - a. Various Agency Standards
 - (1) Command Post Operations
 - (2) ICS
 - (3) Tactical Element
 - (4) Positions, Roles, Responsibilities
 - b. Logistics
 - (1) On Site Support – CNT
 - (2) On Site Support - Tactical

Appendix F *continued***Basic Crisis Negotiator Course Recommended Course Topics**

- c. Intelligence
 - (1) Interview
 - (2) Subject Profile
 - (3) Information Sharing
- 4. Incident Types
 - a. Hostage Situations
 - b. Non-Hostage Situations
 - c. Special Circumstances
 - (1) Custodial/Corrections Incidents
 - (2) Suicide by Cop
 - (3) Repeat Offenders
 - (4) Law Enforcement Personnel
- 5. Subject Types
 - a. Mental Health Issues
 - (1) Psychological Disorders and Diagnosis
 - b. Suicide
 - c. Interrupted Crimes
 - d. Domestic Violence
 - e. Terrorism
 - f. Chemical Influence
- 6. Response Protocol
 - a. Team Activation
 - (1) First Responder Evaluation
 - (2) Department Policy Issues

Appendix F *continued***Basic Crisis Negotiator Course Recommended Course Topics**

7. Critical Incident Assessment
 - a. Risk Assessment
 - (1) Type of Incident
 - (2) Appropriate Action to Resolve
 - b. Walk away assessment
 - (1) To Negotiate or Not to Negotiate
 - c. Stockholm Syndrome
 - d. Victimology
 - e. Hostage Behavior
8. Equipment
 - a. CNT Specialized Equipment (Use and Maintenance)
 - b. Technology
9. Negotiation Techniques
 - a. Verbal Communications
 - (1) Face to Face
 - (2) Electronic Communications
 - (3) Third Party Communications
10. Negotiation Strategies
 - a. Communication Skills
 - (1) Active Listening
 - b. Indicators of Progress / Violence
 - c. Time Considerations
11. Surrender Phase
 - a. Tactical / CNT Coordination
 - b. Transfer of Communications

Appendix F *continued***Basic Crisis Negotiator Course Recommended Course Topics**

12. Debriefing
 - a. Incident Review
 - (1) Individual
 - (2) Team
 - (3) Tactical / CNT Joint Debriefing
 - b. Critical Incident Stress Debriefing
 - (1) Incident Driven
 - (2) Individual Assessment

13. Media Relations
 - a. Media Management
 - (1) 409.5 PC / Media Access
 - (2) No Fly Zones

14. Post Incident Considerations
 - a. Crime Scene
 - (1) Evidence
 - (2) Securing from the Scene
 - b. HOBAS / LEO
 - c. Documentation
 - (1) Reports and Recorded Material

15. Legal Aspects
 - a. Risk Management
 - b. Ethics
 - c. Case Law
 - d. Individual Negotiators' Resumes
 - (1) Expert Witness

Appendix F *continued***Basic Crisis Negotiator Course Recommended Course Topics**

16. Training Scenarios / Role-Playing
 - a. Safety
 - b. Group Scenarios
 - c. Debriefing of Scenarios
 - (1) Student Performance Evaluations

APPENDIX G

CRISIS NEGOTIATIONS CORE COMPETENCIES

■ CNT core competencies will diminish unless maintained through meaningful, recurrent training. Based upon a needs assessment, department policy, and sound risk management practices, Crisis Negotiators should maintain proficiency in the core competencies deemed necessary for their local area or region:

1. Core Competencies:
 - a. Knowledge of incident management, team roles and responsibilities
 - b. Equipment and technical knowledge
 - c. Communications skills
 - (1) Active listening
 - (2) Tactical communications
 - (3) Interview and Interrogation skills
 - d. Risk assessment/incident evaluation
 - (1) Behavioral/emotional factors
 - (2) Diminished capacity
 - e. Homicide/Suicide indicators
2. Expanded Listing - Knowledge of:
 - a. Drug/alcohol/medication interactions
 - b. Third-party intermediary skills
 - c. Juvenile issues
 - d. Faith-based negotiations
 - e. Extremist groups
 - f. Media influences and effects

Appendix G *continued*

Crisis Negotiations Core Competencies

- g. Critical incident assessment (feedback to Incident Commander)
- h. Suicidology ('Suicide by Cop')
- i. Mental disorders
- j. Special circumstances (negotiation w/known persons, agency personnel, etc.)
- k. Mutual aid protocols
- l. Linguistics
- m. Socio-cultural awareness
- n. Legal issues and case law regarding crisis negotiations
- o. Prison/jail/holding facility issues
- p. After action/incident reporting
- q. Emerging technology issues
- r. Joint training with tactical units and other groups
- s. Other high risk incidents

APPENDIX H

LONG RIFLE/OBSERVER TEAM COURSE TOPIC RECOMMENDATIONS

■ These course topic recommendations are designed for officers who are assigned to a Long Rifle/Observer Team. These topics address basic concepts of Long Rifle Team functions and include practical application and problem solving simulations as effective learning methods. The course should include the following topics:

1. Safety Issues
 - a. Classroom
 - b. Range
 - c. Operational
2. Weapons and Equipment Considerations
3. Roles and Duties
4. Common Mission Profiles
5. Legal Issues
 - a. Use of force – policy issues
 - b. Case studies
 - c. Documentation
 - (1) Training records
6. Fundamentals of Precision Shooting
 - a. Mental and physical preparedness
 - b. Optics

Appendix H *continued***Long Rifle/Observer Team Course Topic Recommendations**

- c. Low-light shooting
 - d. Fundamentals of shooting a scoped rifle
 - (1) Zeroing
 - (2) Cold bore zeroing
 - f. Wind and range estimation
 - g. Position shooting
 - h. Rifle care
 - i. Data books
7. Ballistics
- a. Internal ballistics
 - b. External ballistics
 - (1) Environmental factors
 - (2) Angle shooting
 - c. Terminal ballistics
 - (1) Intermediate barrier shooting
8. Basic Fieldcraft – Urban and Rural
- a. Camouflage
 - b. Cover and concealment
 - c. Hides
 - d. Movement

Appendix H *continued***Long Rifle/Observer Team Course Topic Recommendations**

9. Observation/Communication Skills
 - a. Observation/retention exercises
 - b. Intelligence gathering
 - c. Reporting
 - (1) Observation log
 - d. Diagramming
 - (1) Range cards
 - (2) Field sketching
 - e. Team member communications

10. Practical application and evaluation

APPENDIX I

TACTICAL WATERBORNE CORE COMPETENCIES

1. If limited to boat operations:
 - a. Use and maintenance of a Personal Flotation Device
 - b. Basic water safety techniques
 - c. Night and low light conditions
 - d. Familiarization with vessel operations, including safety briefing
 - e. Small boat tactics
 - f. Boarding techniques and tactics

2. If conducting surface swimmer operations:
 - a. Agency-approved swim test, to include water tread
 - b. Self-rescue techniques
 - c. Boarding and offloading techniques

3. If conducting sub-surface operations:
 - a. Certification from a recognized certifying agency, including NAUI, PADI, the military or equivalent.
 - b. Medical exam and certification for SCUBA as per Cal OSHA guidelines
 - c. Cal OSHA regulations pertaining to underwater operations

Supplemental Hate Crime Report.pdf

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

Individual

Legal name (Last, First): _____

Date of Birth	Age	Sex	Race

School, business or organization

Name: _____

Type: _____
 (e.g., non-profit, private, public school)

Faith-based organization

Name: _____

Faith: _____

Other

Name: _____

Type: _____

Address: _____

Date and time of incident: _____

Location of incident: _____

Date and time of report: _____

Location of report: _____

Agency Case #: _____

NATURE OF CALL FOR SERVICE (check all that apply)

Crime against persons

Crime against property

Gang activity

Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

(e.g., 9/11, holy days)

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

Yes No

Do you know what motivated the suspect to commit this crime?

Yes No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes No

BIAS INDICATORS (CHECK ALL THAT APPLY):

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: _____

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

WEAPONS/FORCE

Weapon(s) used during incident? Yes No Type: _____

Force used during incident? Yes No Type: _____

EVIDENCE

Witnesses present during incident? Yes No Statements taken? Yes No

Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo/video <input type="checkbox"/> Known	

RESOURCES

Resources offered at scene: Yes No

Marsy's Law Handout Hate Crimes Brochure Other: _____

MEDICAL

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

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