LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

Mission Statement
We are committed to providing professional police services and safety to our community in a manner in which we, ourselves expect.

Core Values

TEAMWORK
San Leandro Police Department values teamwork which fosters cooperation through a positive work culture and partnership with the community. We encourage and share ideas and goals, while respecting diversity and individuality.

INTEGRITY
The San Leandro Police Department values ethical and honest employees who are dependable to the organization and the community we proudly serve.

PROFESSIONALISM
We honor the professional standards of the law enforcement community and proudly adhere to the Law Enforcement Code of Ethics in the service we provide. We value quality training for personal and professional growth and hold ourselves and each other accountable for maintaining high standards.

SERVICE
We are committed to providing quality service in a timely manner using technology as a valuable resource.
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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 San Leandro Police Department to perform their functions based on established legal authority.

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

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

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

100.3.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SAN LEANDRO POLICE DEPARTMENT
The arrest authority outside the jurisdiction of the San Leandro 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.

100.3.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SAN LEANDRO POLICE DEPARTMENT
The arrest authority within the jurisdiction of the San Leandro 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.
Law Enforcement Authority

(c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.3.3 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.

100.4 INTERSTATE PEACE OFFICER POWERS
Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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

100.5 CONSTITUTIONAL REQUIREMENTS
All members shall observe and comply with every person’s clearly established rights under the United States and California Constitutions.
Chief Executive Officer

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

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

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

102.2 POLICY
It is the policy of the San Leandro 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 San Leandro 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  RESPONSIBILITIES
The ultimate responsibility for the contents of the manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the manual, the following delegations have been made.

103.2.1  CHIEF OF POLICE
The Chief of Police shall be the ultimate authority for the provisions of this manual and shall continue to issue Departmental Directives which shall modify those provision to the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.2.2  STAFF
Staff shall consist of the following:

• Chief of Police
• Captains
• Lieutenants
• Police Managers

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

103.2.3  OTHER PERSONNEL
All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander, who will consider the recommendation and forward to staff.

103.3  FORMATTING CONVENTIONS FOR THE POLICY MANUAL
The purpose of this section is to provide examples of abbreviations and definitions used in this manual.
103.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

• Departmental Directives may be abbreviated as “DD”

• Policy Manual sections may be abbreviated as “Section 106.X” or “§ 106.X”

103.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CHP - The California Highway Patrol.


City - The City of San Leandro.

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

Department/SLPD - The San Leandro Police Department.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department, including civilian volunteers.

Juvenile - Any person under the age of 18 years.


May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed by, or appointed by, the San Leandro Police Department including sworn officers, reserve officers, civilian employees and volunteers.

Officer/Sworn - Those employees, regardless of rank, who are sworn employees of the San Leandro Police Department.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal order or directive issued by a superior.

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

Rank - The job classification title 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.

USC - United States Code
103.3.3 DISTRIBUTION OF MANUAL
Copies of the Policy Manual shall be distributed to the following:

• Chief of Police
• Captains
• Lieutenants
• Watch Commander’s Office
• Police Managers
• Professional Standards and Training Sergeant
• Patrol Administrative Sergeant
• Sergeant’s Office
• Training Coordinator
• Supervisor’s Office
• Criminal Investigation Division
• Report Writing Room
• SLPD Jail (15 CCR § 1029)
• One copy issued to every employee.

All employees will have access to a computerized version, which will be limited to viewing only, and printing of specific sections. No changes shall be made to the electronic version without authorization.

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

103.4.1 REVISIONS TO POLICIES
All employees are responsible for keeping updated on all revisions and new policies added to the Policy Manual. All changes will be added to the Policy Manual under the title Recent Policy Manual Revisions. The Professional Standards and Training Unit will advise all personnel via electronic mail of such revisions and/or added policies to the Policy Manual. It will be each employee’s responsibility to acknowledge of receiving and reviewing all revisions and/or new policies, and seek clarification as needed.

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions or additions.
103.5 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 83-01
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

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

200.2 DIVISIONS
The Chief of Police is responsible for administering and managing the San Leandro Police Department. There are two divisions in the Police Department as follows:

- Bureau of Operations
- Bureau of Services

200.2.1 BUREAU OF OPERATIONS
The Bureau of Operations is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Bureau of Operations. The Bureau of Operations consists of the Patrol Division, Criminal Investigations Division, and the Traffic Division.

200.2.2 BUREAU OF SERVICES
The Bureau of Services is commanded by a Captain whose primary responsibility is to provide general management direction and for Bureau of Services. The Bureau of Services consists of the Professional Standards and Training Unit, Support Services Division, and Special Projects.

200.2.3 PATROL DIVISION
The Patrol Division is commanded by Lieutenants whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of Patrol Shifts, K-9 Unit, Bicycle Unit and Bayfair Mall Officer.

200.2.4 CRIMINAL INVESTIGATION DIVISION
The Criminal Investigation Division is commanded by a Lieutenant whose primary responsibility is to be the Department's Press Information Officer and to provide general management direction and control for the Criminal Investigation Division. The Criminal Investigation Division consists of the Crimes Against Persons Unit, Property Crimes Unit, Special Victims Unit, School Resource Officer Unit, Crime Suppression Unit and the Property and Evidence Unit.

200.2.5 TRAFFIC DIVISION
The Traffic Division is commanded by a Sergeant whose primary responsibility is to provide general management direction and control for the Traffic Division. The Traffic Division consists of the Motor Unit, Commercial Enforcement Unit, Community Compliance Section, Parking Enforcement Unit, Animal Control Unit, Red Light Camera Program and Special Events.
**Organizational Structure and Responsibility**

**200.2.6 SUPPORT SERVICES DIVISION**
The Support Services Division is commanded by the Support Services Manager whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of the Communication Center and Records Unit.

**200.3 COMMAND PROTOCOL**

**200.3.1 SUCCESSION OF COMMAND**
The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Bureau Captain to serve as the acting Chief of Police. Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Captain  
(b) Lieutenant  
(c) Sergeant

In situations requiring decision or control where the officers are of equal rank, the senior officer will make the decision and exercise control, unless otherwise directed by a higher authority.

**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.

**200.4 RESCINDED POLICY**
This policy rescinds San Leandro Operations Directive 87-23.
Departmental Directives

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

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 12-01 signifies the first Departmental Directive for the year 2012.

201.2 RESPONSIBILITIES

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

201.2.2 CHIEF OF POLICE
The Chief of Police shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES
All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing or email, the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or email receipts showing an employee’s acknowledgement will be maintained by the Professional Standards and Training Unit.
Emergency Management Plan

202.1 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).

202.2 ACTIVATING THE EMERGENCY PLAN
The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

202.2.1 RECALL OF PERSONNEL
In the event that the Emergency Management Plan is activated, all employees of the San Leandro 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.

202.3 LOCATION OF THE PLAN
The Emergency Management Plan is available on the "H" drive under "Emergency Operation Center". It is also available in the offices' of the Operations Captain, Watch Commander's, Business Manager and Emergency Services Specialist. All supervisors should familiarize themselves with the Emergency Management Plan. The Captain of Services should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

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

202.5 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-01.
Administrative Communications

203.1 PURPOSE AND SCOPE
Administrative communications of this department are governed by the following policies.

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

203.3 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.

203.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police or a Bureau Captain.

203.5 BUSINESS CARDS
Only Department approved business cards that are ordered through The City of San Leandro Central Services shall be used in the course of employment. Business card requests should go through the employee's immediate supervisor. Business cards shall be used for official business only.

No writing shall be placed on a business card of any member of this Department that confers, requests, or implies any special consideration to a recipient.

203.6 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-08.
Training Policy

204.1 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.

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

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

204.4 PROFESSIONAL STANDARDS AND TRAINING LIEUTENANT
The Chief of Police shall designate a Professional Standards and Training Lieutenant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Professional Standards and Training Lieutenant should review the training plan annually.

204.4.1 TRAINING RESTRICTION
The Professional Standards and Training Lieutenant 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)).

204.5 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

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

• State Mandated Training
Training Policy

- Continuing Professional Training

204.7 TRAINING NEEDS ASSESSMENT
The Professional Standards and Training Unit will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by Command Staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

204.8 TRAINING COMMITTEE
The Bureau of Services Captain shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of the Professional Standards and Training Lieutenant, or his/her designee and at least two other members. The Professional Standards and Training Lieutenant will act as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Bureau of Services Captain may remove or replace members of the committee at his/her discretion.

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

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

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

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

204.9 TRAINING PROCEDURES
(a) All employees assigned to attend training shall attend as scheduled unless previously excused by the Professional Standards and Training Lieutenant. Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. Scheduled vacations
3. Sick leave
Training Policy

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 the Professional Standards and Training Unit as soon as possible but no later than one hour prior to the start of training.
   2. Document his/her absence in a memorandum to his/her supervisor.
   3. Make arrangements through his/her supervisor and the Professional Standards and Training Unit to attend the required training on an alternate date.

204.10 DAILY TRAINING BULLETINS
The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the San Leandro 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 Professional Standards and Training Lieutenant.

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

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

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

204.11 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by the Professional Standards and Training Unit Lieutenant. Excused absences from mandatory training should be limited to the following:
   (a) Court appearances
   (b) Scheduled vacations
   (c) Sick Leave
   (d) Physical limitations preventing the employee’s participation
Training Policy

(e) Emergency situation

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

1. Notify the Professional Standards and Training Unit as soon as possible, but no later than one hour prior to the start of training.

2. Document his/her absence in a memorandum to his/her supervisor.

3. Make arrangements through his/her supervisor and the Professional Standards and Training Unit to attend the required training on an alternate date.
Electronic Mail

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

Along with this policy, each employee shall be familiar with the City's guidelines for electronic communications in Administrative Procedure 1010.

See attachment: AP 1010 Guidelines for Employee Use of the Internet and Electronic Communication.pdf

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

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

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

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police, Bureau Captain, Division Commander, or an immediate supervisor, unless it relates to an investigation. 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.
Electronic Mail

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

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

206.1 PURPOSE AND SCOPE
The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

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

206.2 POLICY
The San Leandro Police Department has an agreement with the Sheriff of Alameda County to process all applications and license renewals for the carrying of concealed weapons. Any resident of San Leandro inquiring for the issuance of a license shall be referred to the Sheriff of Alameda County.
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 San Leandro Police Department identification cards under California law (18 USC § 926C; Penal Code § 25455).

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

207.3 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 is defined as an officer who has met or exceeded the required standards of duty and performance and personal conduct. This also includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.

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

(c) An officer, before separation, must have had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as 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.

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

(a) A photograph of the retiree;

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

(c) The date of retirement;

(d) The name and address of this department;

(e) Acknowledgment of 10 years of service;

(f) 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.”
Retiree Concealed Firearms

207.4 FORMER OFFICER RESPONSIBILITIES
A former officer with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

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

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

207.4.2 CARRYING FIREARMS OUT OF STATE
Subject to 18 United States Code 926C, qualified retired officers of the Department may be authorized to carry a concealed weapon in other states.

207.4.3 OUT OF AREA QUALIFICATION
Any officer that retired honorably after ten years of services who resides out of the state or area and chooses not to be qualified by a San Leandro Police Department Rangemaster, can still obtain a concealed firearms permit if they comply with the Law Enforcement Officer's Safety Act (LEOSA), 18 USC § 926C.

The retired officer shall obtain a San Leandro Police Department identification card indicating he/she has retired honorably and has served as a law enforcement officer for at least 10 years. This identification card will not be CCW endorsed. It is the retired officer's responsibility to provide this identification card to the law enforcement agency in which they currently reside. The officer will then follow that agency's procedure in obtaining a CCW permit.

207.5 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD
A CCW endorsement under Penal Code § 25470 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.

(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.
Retiree Concealed Firearms

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree’s last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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

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

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

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
3. The personal and written notification should be as follows:

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

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

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

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

207.6 FIREARM QUALIFICATIONS
The Rangemaster may provide the retired officer 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 Professional Standards and Training Unit will maintain a record of the qualifications and weapons used.

At each qualification the Rangemaster shall inspect each firearm to ensure they are functioning properly, being maintained correctly, and to identify any safety issues.

At the conclusion of the qualification the retired officer will fill out and sign a San Leandro Police Department Retiree Carry Concealed Weapon Application acknowledgement form (see attachment). Also, each retired officer will read and acknowledge the policy for Reporting of Employee Convictions.

See attachment: Retiree CCW Application.pdf

207.7 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 11-01.
Attendance at Outside Schools

208.1 PURPOSE AND SCOPE
The purpose of this policy is to identify City and Commission on Peace Officer Standards and Training (POST) policy relative to attendance at outside training courses and to identify employee obligations related to course participation.

208.2 PURPOSE OF OUTSIDE TRAINING
The general purpose for attendance at outside training schools is to address the following organizational objectives:

(a) Compliance with regulatory and statutory requirements.
(b) Acquisition and development of liability-reducing critical skills.
(c) Acquisition and development of job-specific knowledge and skills.
(d) Acquisition of knowledge and skills to increase employee effectiveness on the job.
(e) Career development for the course attendee.

208.3 REQUESTS TO ATTEND OUTSIDE TRAINING COURSES
(a) Initial requests to attend outside training courses shall be made in writing, through the employee's immediate supervisor and Division Commander to the Commander of the Professional Standards and Training Unit. Requests will be evaluated on the basis of organizational and employee needs with consideration given to the financial impact of course participation, inclusion of the course in question in the current department budget, and the existing impact on staffing.

(b) The Professional Standards and Training Unit shall be responsible for the generation of an "Approval to Attend Outside Training" form. This form is used to solicit approvals from the Professional Standards and Training Unit, and the employee's Bureau Commander, for the employee to attend the training course. The "Approval to Attend Outside Training" form shall include the following information:

1. Title of the course, conference, or seminar.
2. Clear identification of any POST related training must be included in training brochure.
3. Dates, times, and location of the presentation.
4. Name of the course sponsor.
5. Funding source and reimbursement information.
6. Names of the attendees.
7. Details relative to checks and advances required for registration, tuition, subsistence, or other expenses.
8. Summary of the course content and a statement as to the benefit to the organization.
Attendance at Outside Schools

9. A statement as to the impact or staffing or requirements for overtime replacement of the employee.

10. Space for approvals by the Professional Standards and Training Unit Supervisor, Bureau Commander, and other approvals as may be required.

11. Travel/advance information provided to the Finance Department must include a copy of the training brochure that provides clear identification of POST related training.

(c) No employee shall attend any training course without first obtaining a completed and approved "Approval to Attend Outside Training" form.

(d) The Professional Standards and Training Unit shall have the responsibility for arranging reservations for the course and all contact required with the course sponsors.

(e) The Professional Standards and Training Unit shall have the responsibility for making flight and car rental arrangements for employees attending outside training courses if applicable.

(f) Employees are responsible for making their own hotel arrangements if needed and approved.

208.4 EXPENSES AND REIMBURSEMENT

(a) Employees may be advanced subsistence and tuition expenses (if not paid in advanced) at the current rate identified by POST for all courses subject to reimbursement. The Finance Department will provide the advance funds to the employee no earlier than 14 days prior to the training. The Professional Standards and Training Unit will publish and distribute to course attendees the current City and POST guidelines prior to course participation.

   (a) On occasion, it may be necessary for a school attendee to exceed the POST maximum subsistence allocation due to a particularly high lodging rate or the limited availability of eating facilities. Expenses in excess of POSTS maximum will be evaluated on a case-by-case basis. Receipts will be required for expenses for subsistence in excess of the POST maximum allocation.

   (b) In all cases, attendees will be expected to exercise good judgment, common sense and reason in their spending practices.

(b) Mileage expense incurred by course attendees driving their own vehicles will be paid at the current City mileage rate in force at the time of the training course.

   (a) Mileage is paid from the San Leandro Police facility or the attendee’s home, whichever is closer, to the training site with daily commute mileage from the training site to the lodging site added.

   (b) Mileage is not paid from the lodging site to restaurants or other locations not directly associated with the training assignment.

(c) Air transportation, if required, will be pre-paid by the City and tickets will be given to attendees at the time subsistence advance checks are distributed - no earlier than 14 days prior to the training. Ground transportation such as taxis and shuttle buses will be covered for employees utilizing air
transportation. Rental cars are not covered by POST and will be available for reimbursement only as City policy permits.

(d) Use of City vehicles in lieu of personal transportation for course attendance shall be at the discretion of the employee's Division Commander or Training Manager.

(e) Following approval of any training course, attendees will be forwarded a packet of information prepared by the Professional Standards and Training Unit including course information (as received from the course presenter), a travel arrangement sheet, and copies of any maps provided by the course sponsor.

(f) Questions regarding course attendance, advances or related matters shall be directed to the Professional Standards and Training Unit.

(g) If the training site is further than 50 miles from the San Leandro Police Department and the attendee's home, lodging will be provided and the course will be considered a "residency course." Receipts will be required for all lodging expenses. Receipts will be required for any emergency expenses (i.e. emergency repair on a City vehicle) and for any fees paid to the course presenter.

(h) If the training site is not further than 50 miles from the San Leandro Police Department and the attendee's home, lodging will not be provided and the course will be considered a "commuter course," unless prior approval is received from the City Manager's Office.

(i) General attendee subsistence guidelines do not include reimbursement for telephone calls, room service, alcoholic beverages, or related expenses not required as part of the training experience or required for official Department business.

(j) Subsistence checks, tuition checks, and airline tickets may be obtained from the Training Coordinator no earlier than 14 days in advance of the training course.

(k) Meal Allowance Breakdown

1. POST Reimbursable Residency Course. No receipts are required and a total amount of $50.00 per day for meals will be allowed using the following:

   (a) On the first day of travel, if the trip begins at or before 0700 hours, an allowance of $9.00 will be given to the attendee.

   (b) On the first day of travel, if the trip begins at or before 1100 hours, an allowance of $15.00 will be given to the attendee.

   (c) On the first day of travel, if the trip begins at or before 1700 hours, an allowance of $26.00 will be given to the attendee.

   (d) On the last day of travel, if the trip ends after 0800 hours, an allowance of $9.00 will be given to the attendee.

   (e) On the last day of travel, if the trip ends after 1400 hours, an allowance of $15.00 will be given to the attendee.
Attendance at Outside Schools

(f) On the last day of travel, if the trip ends after 1900 hours, an allowance of $26.00 will be given to the attendee.

(g) If the course includes any of the meals listed above, the attendee will not be given an allowance for those meals.

2. POST Reimbursable Commuter Course. No receipt is required and a total allowance of $8.00 per day will be given to the attendee, unless the course provides lunch.

3. Non-POST reimbursable Residency Course. Receipts are required and a total amount of $56.00 per day for meals will be allowed using the following:

(a) On the first day of travel, if the trip begins at or before 0700 hours, an allowance of $11.00 will be given to the attendee.

(b) On the first day of travel, if the trip begins at or before 1100 hours, an allowance of $16.00 will be given to the attendee.

(c) On the first day of travel, if the trip begins at or before 1700 hours, an allowance of $29.00 will be given to the attendee.

(d) On the last day of travel, if the trip ends after 0800 hours, an allowance of $11.00 will be given to the attendee.

(e) On the last day of travel, if the trip ends after 1400 hours, an allowance of $16.00 will be given to the attendee.

(f) On the last day of travel, if the trip ends after 1900 hours, an allowance of $29.00 will be given to the attendee.

(g) If the course includes any of the meals listed above, the attendee will not be given an allowance for those meals.

4. Non-POST Reimbursable Commuter Course. A receipt is required and a total allowance of $8.00 per day will be given to the attendee, unless the course provides lunch.

208.4.1 EMPLOYEE DUTIES AT THE TRAINING COURSE
(a) At the first class session, employees shall be responsible for delivering the POST reimbursement claim form to the course presenter for any course subject to POST reimbursement.

(b) The employee shall be responsible for the delivery of any tuition or fee checks due the presenter and the acquisition of a receipt.

(c) Each attendee will be expected to attend all portions of the training course and to apply himself/herself diligently so as to derive maximum benefit from the learning opportunity.

(d) Employees shall wear appropriate professional attire. Employees shall not wear high heels, flip flops or shorts to the training, unless approved in writing.
208.5 EMPLOYEE RESPONSIBILITIES UPON COMPLETION OF THE TRAINING
(a) After the training course has been completed, course attendees are responsible for the following:

1. Completion of the proper Travel Expense Report detailing expenses incurred as a result of the training course, which should be submitted to the Training Coordinator within five (5) working days after the training session ends. Failure to do so will result in withholding of any future training advancement until the pending advance is properly reconciled. The Finance Department will provide a report to the Professional Standards and Training Unit regarding outstanding advances. Continued inability to comply with the required advance reconciliation will result in the dis-allowance of future advances.

2. Submission of required receipts attached to the Travel Expense Report.

3. Return of any monies owed the City which were not used during the training course.

4. Submission of a copy of the attendee’s Certificate of Completion to the Professional Standards and Training Unit to be filed in the employee’s training file.

(b) In addition to the aforementioned responsibilities, course attendees may be required to engage in any of the following activities by virtue of knowledge and expertise acquired in the training course seminar:

1. Creation of a Training Bulletin covering subject matter discussed in the course.

2. Development of a lesson plan covering material presented in the course.

3. Participation in a line-up, video or other presentation to assist in the dissemination of information acquired as a result of expertise or knowledge acquired in the course.

4. Participation as an instructor for in-house training as a result of expertise obtained in the course.

(c) Training knowledge and developed skills may transcend specific job assignments. For example, an employee who develops expertise in arson investigation while assigned to the Criminal Investigation Division may be called upon to assist in arson investigations even after the employee has been transferred to another assignment. The same might be true of other developed skills, such as first aid instruction, crime scene video recording, defensive tactics, etc. As is reasonably possible, refresher training will be provided to maintain employee expertise in critical skills areas.

208.6 EMPLOYEE RESPONSIBILITY IF A WORK RELATED INJURY OCCURS DURING OUTSIDE TRAINING COURSE
Immediately following the occurrence of a work-related injury or illness that occurs while attending an outside training course, the injured employee shall follow the procedures as described in the Workers Compensation Benefits policy. If the employee’s supervisor is not available, the employee shall notify the on-duty Watch Commander.
Attendance at Outside Schools

Any employee injuries sustained in an off-duty training class for which the employee is not compensated by the City of San Leandro are excluded from Worker's Compensation Benefits.

208.7 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 85-02 and 85-05.
Wellness Program

209.1 PURPOSE AND SCOPE
It is the policy of the San Leandro Police Department to promote wellness among its employees. Exercise equipment will be provided to employees as part of a voluntary Wellness Program. Employees are required to use the equipment in conformance with department policy and rules.

The San Leandro Police Department recognizes the importance of physical fitness for employee health as law enforcement can be physically and psychologically demanding work. Employees who participate in the Wellness Program are expected to act in a manner that is safe, constructive, and in accordance with rules and guidelines.

209.2 FACILITY AND EQUIPMENT
Unless otherwise authorized by the Chief of Police, no other fitness equipment shall be used on the premises.

The Wellness Program Manager or designee will conduct a monthly inspection of the exercise area to check the working order of the equipment and schedule repairs, as needed. The inspection will be recorded in the maintenance log.

209.3 CONDITIONS FOR PARTICIPATION
All employees who wish to participate in the Wellness Program must:

(a) Submit a signed SLPD "Physician's Clearance Form" to Human Resources. All Physician Clearance Forms expire on June 30, 2015 and must be renewed on an annual basis on July 1st of each year thereafter.

(b) Submit a signed "Waiver and Release of Liability" to Human Resources.

(c) Complete a basic orientation of the equipment with a member of the department’s wellness staff. The wellness staff will review the equipment and exercise rules with participants.

(d) The employee will be added to the Wellness Program’s master participation list and be eligible to start using the facility.

209.4 RESTRICTIONS
The following rules will be strictly enforced:

(a) Those who have not complied with all the requirements outlined in 209.3 shall not use any of the exercise equipment.

(b) Any employee experiencing pain or discomfort while performing exercises shall immediately discontinue participation and notify their immediate supervisor. Resuming an exercise regimen using City equipment may require the employee to submit an updated Physician’s Clearance Form.

(c) Any employee who is on a modified or light duty status may participate in the Wellness Program if they provide an updated Physician’s Clearance Form listing any rehabilitative exercises, workout
Wellness Program

plan, and any limitations placed on the employee while participating in the Wellness Program. Employees must submit an updated Physician's Clearance Form and a signed "Waiver and Release of Liability" form upon return to full duty if they desire to continue to participate in the Wellness Program.

(d) Horseplay is prohibited.

(e) Anyone who abuses the policy or rules is subject to suspension from the program by the Chief of Police.

209.5 SAFETY
(a) There is an Automatic External Defibrillator (AED) and First Aid kit in the fitness area.

(b) Equipment malfunctions or facility maintenance issues shall be reported to a supervisor immediately. Supervisors shall promptly post prominently any notices that can warn others of a potential issue. If such an issue is related to a piece of equipment, such apparatus may not be used until it is repaired.

(c) Any injuries shall be immediately reported to the on-duty supervisor.

(d) All participants must wear shirts, closed-toe athletic shoes and no provocative clothing is allowed.
Chapter 3 - General Operations
De-escalation and Use of Force

300.1 PURPOSE AND SCOPE
The primary purpose of this directive is to ensure officers respect the sanctity of life when making decisions regarding use of force. Sworn peace officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of officers to comply with the laws of the State of California regarding the use of force and to comply with the provisions of this policy. Equally important is law enforcement’s obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement officers are justified in using force, they should use the minimum amount of force necessary to accomplish lawful objectives based on circumstances and what is objectively reasonable. Use of force may never be considered routine. In exercising this authority, officers must respect the sanctity of all human life. Officers must act in all possible respects to preserve human life by using distance and cover, when possible, to gain time to consider alternatives to avoid unnecessary uses of force and minimize the force used while still protecting themselves and the public.

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:

**Active resistance** - The subject takes action to prevent being taken into custody or controlled with the goal of escape, and not injury to the officer. The action may include twisting, pulling, holding onto fixed objects, or running away.

**Assaultive actions** - The subject takes action that indicates intent to injure an officer or other person. This level of aggression may manifest itself through punching, kicking, or pushing and may include extreme physical force up to and including the discharge of a firearm or use of blunt or bladed weapon, or improvised weapon.

**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).
De-escalation and Use of Force

**De-escalation** - The process of using strategies and techniques intended to decrease the intensity of the situation.

**Disengagement** - A tactic designed to avoid or minimize potentially violent, or otherwise unsafe outcomes for both the individual being contacted and/or the officer. Disengagement may be a viable option for individuals who pose no additional threats to others, there is no crime, or for offenders who may later be apprehended under safer conditions.

**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.

**Imminent threat** - Based on the totality of the circumstance, 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. Imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code 835a).

**Necessary** - No reasonably effective alternative to the use of force appeared at the time and that the amount of force used was reasonable based on the Department's policy and training to effect the lawful purpose intended.

**Passive resistance** - The subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody or controlled (i.e. A protester who lies down in front of a business).

**Pre-event Conduct** - The actions of police personnel, to include the process of gathering and assessing all of the information and resources available to officers prior to an event.

**Reasonable** - Refer to Use of Force section below for full discussion related to definition of reasonable.

**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)).

**Stage** - A police strategic tactic intended to form a team, gather resources and assist with planning prior to arriving on the scene and contacting the involved persons. The location of the staging area is dependent upon the factors know to officers at the time and should be conducted at an appropriate distance away from the incident.

**Tactical repositioning** - A tactic considered when circumstances reasonably appear to be conducive and advantageous to physically move or change an officer's location. The intent is to
**De-escalation and Use of Force**

seize opportunities to gain additional time, distance and cover in a manner that supports safety for members of the community, officers, and the suspect. When appropriate, the objective is to consider tactical repositioning as an option in support of de-escalation techniques and to increase an officer's reaction time and tactical options. Tactical repositioning is not considered a "retreat" as outlined in PC835a(d) and should be included as another option for officers to consider when attempting an arrest.

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

**300.2 POLICY**

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

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

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

If reasonably safe and feasible, officers shall evaluate and use de-escalation strategies and/or techniques to gain voluntary compliance from an individual to gain or maintain control of an incident while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

**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 or other employee, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers or other employees 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.
De-escalation and Use of Force

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)).

300.2.5 DE-ESCALATION
As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers and employees shall consider strategies and use other available resources and techniques intended to decrease the intensity of the situation, increase officer and community safety, and decrease the need for using force.

Officers shall evaluate the totality of circumstances, which includes an officer's pre-event conduct, presented at the time in each situation, and when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code 7286(b)(1)). While not an exhaustive list, the following are actions and available resources which may be considered:

- (a) Summoning additional resources which can respond in a reasonably timely manner (Hostage Negotiation Team, Mobile Evaluation Team, officers with Crisis Intervention Training).
- (b) Discussing and formulating a plan with responding officers prior to entering an unstable situation if there is no apparent need for immediate action.
- (c) Gather intelligence concerning the incident and/or the involved person(s) from available sources.
- (d) Evaluate if the person has any of the following conditions which may prevent or delay effective de-escalation:
  1. Physical disability
  2. Mental health disability
  3. Developmental disability
  4. Intellectual disability
  5. Under the influence of drugs (prescribed or otherwise) or alcohol or both
- (e) Use available cover and concealment as appropriate.
- (f) Utilize distance and space to maximize non-confrontational contact and dialogue.
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(g) Minimize extraneous environmental distractions, such as loud noises, bright lights, and non-essential personnel.

(h) Communicate with the person in a calm, slow, non-threatening manner and tone.
   1. Provide clear, concise directions or commands
   2. Allow person to express themselves verbally; allow the person to "vent"
   3. Ask open-ended questions
   4. Recognize the importance of verbal and non-verbal communication being in sync

(i) Deploy less lethal resources.

(j) Tactical repositioning of resources and personnel.

(k) Disengagement
   1. Officers seeking to disengage from an incident shall, when practicable, communicate this intent to involved individuals when disengaging. Officers should try to ensure those affected have an opportunity to establish a relatively safe position and are aware that officers will not be present to provide protection.

(l) Staging and Use of Cover Officers
   1. The purpose of this section is to communicate the department’s expectation that when practical, officers contact suspects and subjects with a cover officer or appropriate number of police resources in direct support of the safety of the community, responding officers and suspect(s). The intent of the policy to minimize situations where a single officer is put in a position to confront a single suspect or subject. The department recognizes situations when this may not be possible. However, officers should use good judgement and decision making when they are in a situation when they are alone and are forced to confront single or multiple suspects or subjects.

   (a) The purpose of this section is to communicate the department’s expectation that when practical, officers contact suspects and subjects with a cover officer or appropriate number of police resources in direct support of the safety of the community, responding officers and suspect(s). The intent of the policy to minimize situations where a single officer is put in a position to confront a single suspect or subject. The department recognizes situations when this may not be possible. However, officers should use good judgement and decision making when they are in a situation when they are alone and are forced to confront single or multiple suspects or subjects.

   (b) Officers should, when reasonably safe and feasible, stage and/or respond with two (2) or more officers when dispatched to calls for service involving subjects who:
      1. have committed or threatened to commit a felony;
      2. are suspected of committing acts of violence;
De-escalation and Use of Force

3. are currently or potentially armed with a weapon;
4. are known to be violent;
5. are reported as experiencing a mental health crisis; or observed behavior would lead a reasonable officer to conclude that the person is experiencing a mental health crisis.

(c) Officers shall not attempt to physically detain or arrest a person suffering a mental health crisis unless two (2) or more officers are on the scene. The objective is to minimize the potential for a use of force, and the level of force necessary to take the person safely into custody.

(d) Exceptions to these expectations include the following:
1. An immediate response is needed to prevent imminent death or serious bodily injury, or a delayed response would reasonably result in an increased risk to the public.
2. Unanticipated circumstances or suspect initiated contact.
3. Based on the totality of the circumstances known at the time of the call, the safety of the community, responding officers, and the suspect/subject, a supervisor or manager may increase or decrease the number of responding officers.
4. Officers may request additional officers at any time based on their assessment of the situation. However, responding officers may only decrease the number of responding officers with supervisor approval.
5. It is recognized that officers’ duties may include unique assignments, deployment as a member of specialized unit or a work detail which may limit their ability to stage and utilize a cover officer prior to taking police action (SRO Unit, MET, Special Events, Traffic Enforcement, Investigative Units, etc.). With this understanding, officers working these assignments shall, when reasonable and feasible, consider other de-escalation techniques as required by this policy and law.

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
De-escalation and Use of Force

each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved 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).
De-escalation and Use of Force

300.3.5 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).

300.3.6 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 San Leandro Police Department for this specific purpose.

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

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

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

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.

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

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

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).
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300.4.1 SHOOTING AT OR FROM MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

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

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

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat. Officers shall document the details of the firearm being directed at individuals.

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

300.5 REPORTING THE USE OF FORCE
Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department requires the completion of a use of force review in certain incidents. Based on circumstances, a supervisor may direct an uninvolved officer to complete a police report.

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.
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(e) Any less lethal deployment, including a TASER device or OC spray (even if the subject was not hit).
(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 by any means, including impact weapons.
(i) Any maneuver that results in a subject being taken down to the ground (regardless of injury);
(j) K-9 bites;
(k) An individual alleges unreasonable force was used or that any of the above has occurred.

Additional situations that require supervisory notification and documentation in an officer’s report:

Whenever an individual arrested by a member of this Department has received an obviously recent injury, and it has been clearly determined the injury occurred solely as a result of an incident prior to police contact (accidents, injuries inflicted by other parties, etc.);

Whenever an individual arrested or detained by this Department has received an injury while in police custody which is not a result of the application of force. This would include persons whose injuries are a result of tripping, resistance to handcuffing, restraints, or who injure themselves during resistive behavior while confined within police vehicles or interview rooms.

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 Unit Policy.

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

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

Based upon the officer’s initial assessment of the nature and extent of the individual’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. Any employee equipped with a PVRS (body worn camera), and
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routinely wears the device in the course of their duties, shall use the PVRS to record the refusal of medical assistance.

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 shall request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

All individuals who have been medically cleared at a hospital shall be transported to an Alameda County jail facility for booking, if warranted. For investigative purposes, if after an individual has been medically cleared at a hospital, a Watch Commander may authorize for that individual to be transported to the San Leandro Police Department jail facility.

See the Medical Aid and Response Policy for additional guidelines.

### 300.7 SUPERVISOR RESPONSIBILITY

If reasonably available, a supervisor shall respond to an incident in which there has been a reported application of force that requires a use of force review. 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.
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(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) Review any PVRS footage of the incident.

(h) 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.

(i) 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.

(j) Complete and submit a use of force review, within 10 scheduled working days of the incident, to the Watch Commander.

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 and document the reason they could not respond.

300.7.1 WATCH COMMANDER RESPONSIBILITY
The Watch Commander shall review all pertinent reports and the use of force review to ensure compliance and forward to the Bureau of Operations Captain within 7 scheduled working days of receiving the review.

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

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

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

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

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

(b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.
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See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.10 USE OF FORCE ANALYSIS
At least annually, the Bureau of Services Captain 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.

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)).

300.14 RESCINDED POLICY
This policy rescinds San Leandro Operation Directives 87-26 and 87-39.
Handcuffing and Restraints

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

Although this policy may refer to an officer, that section shall apply to any member this is authorized to carry out such action.

302.2 POLICY
The San Leandro 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 San Leandro 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.
Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the 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.
Handcuffing and Restraints

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
Handcuffing and Restraints

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person’s ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES
Suspects, prisoners and arrestees shall be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system, or when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

If the officer feels it is unsafe, or unpractical to utilize a prisoner restraint system, or seat belts provided by the vehicle manufacturer, the officer shall capture the subject’s actions on PVRS and obtain approval from the on-duty supervisor prior to transporting the subject without these systems. The subject's actions and supervisor approval shall be documented in related reports.

Prisoners in leg restraints shall be transported in accordance with the "Guidelines for Use of Leg Restraints" section of this policy.

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

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.
Handcuffing and Restraints

(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.

302.10 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 87-17, (as it relates to handcuffing & restraints), and 87-39.

302.11 TRAINING
Subject to available resources, the Professional Standards and Training Lieutenant 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.

Although this policy may refer to an officer, that section shall apply to any member that is authorized to carry out such action.

303.2 POLICY
In order to control subjects who are violent or who demonstrate the intent to be violent, the San Leandro 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 BUREAU OF OPERATIONS CAPTAIN RESPONSIBILITIES
The Bureau of Operations Captain may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

The Bureau of Operations Captain will also designate a Program Supervisor for the Less Lethal Program.

303.4.2 LESS LETHAL PROGRAM SUPERVISOR RESPONSIBILITIES
Every control device will be periodically inspected by the Program Supervisor 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.
Control Devices and Techniques

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Program Supervisor 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.

303.4.4 PROFESSIONAL STANDARDS AND TRAINING UNIT RESPONSIBILITIES
The Professional Standards and Training Unit 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, or repaired or replaced.

303.5 BATON GUIDELINES
The need to use the baton may be used to compel compliance by a subject displaying aggressive resistance, which is neither likely nor intended to cause death. 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, outer carrier or designated pocket. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

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

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

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

303.7.1 OC SPRAY
Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or outer carrier. 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.
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303.7.2 PEPPER PROJECTILE SYSTEMS
Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

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

303.7.3 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 clean up will be at the owner’s expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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

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

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The
Control Devices and Techniques

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.

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 will be specially marked with an orange stock that makes them readily identifiable as such.
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Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

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

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

303.10 TRAINING FOR CONTROL DEVICES
The Professional Standards and Training Lieutenant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

   (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or Less Lethal Munitions 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.

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.

303.12 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-39, as it relates to control devices.
Conducted Energy Device

304.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of TASER devices.

Although this policy may refer to an officer, that section shall apply to any member that is authorized to carry out such action.

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

304.3 ISSUANCE AND CARRYING TASER DEVICES
Only members who have successfully completed department-approved training may be issued and carry the TASER device.

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

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver’s compartment of their vehicle.

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

When carried while in uniform officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

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

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

(c) Officers should not hold both a firearm and the TASER device at the same time.

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

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

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

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

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

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

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

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

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

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

(a) Individuals who are known to be pregnant.
(b) Elderly individuals or obvious juveniles.
(c) Individuals with obviously low body mass.
(d) Individuals who are handcuffed or otherwise restrained.
(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
Conducted Energy Device

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

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

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

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

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

Officers shall avoid using the TASER device for more than a total of three (3) five-second cycles (totaling 15 seconds) whether from a single or combination of multiple TASER(S) units unless the totality of the circumstances are such that a reasonable officer would conclude that each subsequent application of the TASER device, analyzed separately, is warranted by the imminent threat to the officer or another person.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence.
Conducted Energy Device

The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject’s skin.

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

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices 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 TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device shall also be documented.

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

(a) Identification of all personnel firing TASER devices;
(b) Identification of all witnesses;
(c) Medical care provided to the subject;
(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 should remove TASER device probes from a person’s body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be transported to a medical facility. Once the individual has been medically cleared, they shall be transported to an Alameda County jail facility for booking if they are arrested. All others shall be examined by paramedics or other medical personnel.

If any individual refuses medical attention, whether on scene or at a medical facility, such refusal shall be witnessed by medical personnel and shall be fully documented in related reports and captured on PVRS.
Conducted Energy Device

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

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

In accordance with the Use of Force policy, a supervisor shall respond to and review each incident where a person has been exposed to an activation of the TASER device. The device’s onboard memory shall be downloaded through the data port by a supervisor and saved with the related arrest/crime report and for use of force review. Photographs of probe sites shall be taken and witnesses interviewed.

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

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

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

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

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

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

The Professional Standards and Training Lieutenant should ensure that all training includes:

(a) A review of this policy;
(b) A review of the Use of Force Policy;
(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm;
Conducted Energy Device

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin;

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options;

(f) De-escalation techniques;

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

304.10 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 07-01.
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 other action of an officer.

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

305.2 POLICY
The policy of the San Leandro 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 three separate investigations. The investigations will include:

- A criminal investigation of the statutory issues of the incident;
- An administrative investigation to determine policy compliance by involved San Leandro Police Department officers;
- A separate and independent investigation conducted by the Alameda County District Attorney's Office.

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect, or officer, is controlled by the agency in whose jurisdiction the incident occurred. For example, the San Leandro Police Department would control the investigation if the incident occurred in San Leandro.

If multiple incidents occurred 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.
Officer-Involved Shootings and Deaths

305.4.2 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative 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 SLPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

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

305.5.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved SLPD supervisor should ensure activation of all PVRS’s and 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 of the involved officer.
(b) If necessary, the supervisor may administratively order any SLPD 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 SLPD members until properly relieved by another supervisor or other assigned personnel or investigator.
Officer-Involved Shootings and Deaths

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

1. Each involved SLPD officer should be given an administrative order not to discuss the incident with other involved officers or SLPD 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 as soon as practical.

305.5.3 WATCH COMMANDER RESPONSIBILITIES
Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved.

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

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

• Chief of Police
• Bureau Captains
• Outside agency investigator (if appropriate)
• Professional Standards and Training Unit Commander
• Psychological/peer support personnel
• Chaplain
• Coroner (if necessary)
• Involved officer’s agency representative (POA) (if requested)
• Criminal Investigations Lieutenant

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 SLPD 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-SLPD 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)).
Officer-Involved Shootings and Deaths

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

1. Interviews with a licensed psychotherapist will be considered privileged.

2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

Each involved SLPD 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 Watch Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

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

305.6 CRIMINAL INVESTIGATION
The San Leandro Police Department is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death occurring in San Leandro.

The Alameda County District Attorney's Office will conduct a separate criminal investigation in accordance with their protocol.

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:
Officer-Involved Shootings and Deaths

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

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed;

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview;

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED SLPD OFFICERS

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

Nothing in this section shall be construed to deprive an involved SLPD 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.
Officer-Involved Shootings and Deaths

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 Criminal Investigations Division Commander to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the Criminal Investigations Division Commander for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Captain.

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 SLPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards and Training Unit, or assigned Watch Commander, and will be considered a confidential officer personnel file.

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

(a) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator may monitor that interview. If the administrative
investigator is unable to monitor the interview they 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.

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

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer’s statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Lybarger or Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Professional Standards and Training Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 PERSONAL VIDEO RECORDING SYSTEMS
The viewing of any PVRS footage by any officer involved in a shooting or death, or releasing of such footage, shall comply with the Portable Audio/Video Recorders policy

305.9 DEBRIEFING
Following an officer-involved shooting or death, the San Leandro Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.
Officer-Involved Shootings and Deaths

305.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING
The critical incident/stress debriefing shall occur in accordance with the Critical Incident Stress Response Team policy.

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

305.10 MEDIA RELATIONS
Any media release shall be prepared by the Criminal Investigations Division Commander and reviewed by the Chief of Police prior to release.

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

305.11 REPORTING
If the death of an individual occurs in the San Leandro Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Bureau of Services Captain will ensure that the Support Services Manager is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

305.12 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 85-07.
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.

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

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

306.2.1 HANDGUNS
The authorized department-issued handgun is the Glock, model 17, 9mm caliber. The following additional handguns are approved for on-duty use:

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<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>CALIBER</th>
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<tr>
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<td>9mm</td>
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<tr>
<td>Glock</td>
<td>22</td>
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306.2.2 SHOTGUNS
The authorized department-issued shotgun is the Remington 870.

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

306.2.3 PATROL RIFLES
The authorized department-issued patrol rifle is the Smith and Wesson, M&P 15 VTAC. The following additional patrol rifles are approved for on-duty use:

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:
Firearms

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

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

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

(a) The firearm shall be in good working order and on the department list of approved firearms.
(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

See attachment for authorized personally owned on-duty rifle specifications.

See attachment: SLPD Patrol Rifle Specs.pdf

306.2.5 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.
(b) Only one secondary handgun may be carried at a time.
(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
Firearms

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

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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

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

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

306.2.6 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 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 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 then annually thereafter.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) 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.

(h) Members shall only carry department-authorized ammunition.
(i) When armed, officers shall carry their badges and San Leandro Police Department identification cards under circumstances requiring possession of such identification.

306.2.7 PLAIN-CLOTHES DUTY FIREARMS
Authorized firearms shall be of the same specifications as the uniform firearms. In special circumstances, a Bureau Captain may authorize the carrying of a weapon of another caliber provided the officer has passed a range qualification course with the weapon as required by Department policy.

306.2.8 AMMUNITION
Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member’s firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms 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.

306.3 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.

306.3.1 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.

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

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.

306.3.2 HOLSTERS
Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to ensure they are serviceable and provide the proper security and retention of the handgun. Whether on or off-duty, all firearms shall be carried in a holster when in a member’s possession. If an officer elects to wear an authorized mid-thigh "drop holster," they must:

(a) Successfully pass an evaluation by a range staff member, demonstrating proficiency and proper placement of the holster.
Firearms

(b) Members may be required to re-adjust the holster placement if range staff deem the placement may interfere with the functionality or create an officer safety concern.

(c) The placement of the holster may not be below the natural grip of an officer standing upright.

(d) If the officer is unable to demonstrate proficiency with the drop holster, they will not be authorized to wear it until they can successfully meet these requirements.

306.3.3 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.

306.3.4 OPTICS OR LASER SIGHTS
Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

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

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

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

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
Firearms

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

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

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

306.4.2 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).

306.4.3 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.

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

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

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

**306.5 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully qualify annually with their duty firearm, patrol rifle, and secondary firearm (if carried). Training and qualifications must be on an approved range course.

Department Rangemasters will also ensure all members who carry a firearm while on-duty receive familiarization in the use of the shotgun annually.

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

**306.5.1 NON-CERTIFICATION OR NON-QUALIFICATION**

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

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

- Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- No range credit will be given for the following:
  1. Unauthorized range make-up
  2. Failure to meet minimum standards or qualify after remedial training

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

**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:

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

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

306.6.1 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, TASER® 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 or becomes impractical.

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).

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. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Professional Standards and Training Lieutenant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

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

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

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

The Rangemaster shall complete and submit to the Professional Standards and Training Lieutenant 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 Professional Standards and Training Lieutenant.

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 San Leandro Police Department identification card, bearing the officer’s name, a full-face photograph, identification number, the officer’s signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The San Leandro Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the San Leandro 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.
Firearms

(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 San Leandro Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

306.10 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 84-21, 88-07 (as it relates to firearms and holsters), and 84-05 (as it relates to firearm qualification).
Vehicle Pursuits

307.1 PURPOSE AND SCOPE
Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement’s duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer’s conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual’s desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.1.1 DEFINITIONS

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a violator’s vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

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

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

**Stop-Sticks** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.
Vehicle Pursuits

307.1.2 VEHICLE PURSUIT DEFINED
A vehicle pursuit is an event involving one or more law enforcement officers attempting to detain an individual, who is failing to yield to a solid front facing red light to avoid detention while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer’s signal to stop.

307.2 OFFICER RESPONSIBILITIES
It shall be the policy of this department that a vehicle pursuit shall be conducted only with minimally a solid front facing red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

307.2.1 WHEN TO INITIATE A PURSUIT
Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by failing to yield to a solid front facing red light in a vehicle.

The following factors individually and collectively, and based on the totality of the circumstances, shall be considered in deciding whether to initiate a pursuit:

(a) 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 detention against the risks to officers, innocent motorists and others.

(c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent an immediate serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) 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 and the speed of the pursuit relative to these factors.

(f) 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.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of detaining the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
Vehicle Pursuits

(k) Availability of other resources such as helicopter assistance.

(l) The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner in the police vehicle.

(m) An officer shall not re-engage in a pursuit of a vehicle that had just been terminated for public safety reasons without the approval of a supervisor.

307.2.2 WHEN TO TERMINATE A PURSUIT
A pursuit shall be terminated when directed to do so by a supervisor or involved officer.

Pursuits should be discontinued when the totality of the circumstances known to the officer(s) and/or supervisor(s) demonstrates the risks to public safety and officers is more serious and significant than continuing the pursuit and thus requires ending the pursuit and allowing the suspect to escape.

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, pedestrians, bicyclists, and themselves when electing to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle, and to de-activate emergency lights and siren.

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers 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) Pursued vehicle’s location is no longer definitely known.

(c) Officer’s pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) There are hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

307.2.3 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 shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.
Vehicle Pursuits

Should vehicle speeds exceeding the posted speed limit or unreasonable based on the prevailing conditions be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

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

307.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. If an officer requests additional units to join a pursuit the supervisor may authorize additional units if, after assessing the factors outlined above, it appears that the number officers involved would 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.

All officers involved in any portion of the pursuit should consider activating their body-worn cameras in accordance with the Body-Worn Cameras Policy.

All officers involved in any portion of the pursuit shall activate and continuously leave on their emergency lights and siren throughout the pursuit until it has been terminated or ended.

307.3.1 MOTORCYCLE/UNMARKED UNIT

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle/unmarked unit as primary and/or secondary pursuit unit as soon as practical.

307.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.

307.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator’s vehicle. The primary responsibility of the officer initiating the pursuit is the detention of the suspects without unreasonable danger to him/herself or other persons.

Notify the Communications Center that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

   (a) Reason for the pursuit.
   (b) Location and direction of travel.
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(c) Speed of the fleeing vehicle.
(d) Description of the fleeing vehicle and license number, if known.
(e) Number of known occupants.
(f) The identity or description of the known occupants.
(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
(h) Pedestrian and vehicular traffic volume.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

307.3.4 SECONDARY UNITS RESPONSIBILITIES
The second officer in the pursuit is responsible for the following:

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
(c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.3.5 PURSUIT DRIVING TACTICS
The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. 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, pursuing units should exercise due caution when proceeding through controlled intersections.
(c) No officer shall pursue suspects the wrong way on an interstate or other controlled access highways. Officers may drive on the wrong side of other divided roads only when absolutely necessary. Emergency vehicle operators would not be immune from prosecution if involved in a wrong-way collision, which results in injury or death. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.

3. Requesting other units to observe exits available to the suspects.

(d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their 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.

307.3.6 TACTICS/PROCEDURES FOR 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.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, unless additional units are needed to detain the occupant(s) of the vehicle.

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.

307.3.7 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 necessary information and assistance for the arrest of the suspects.

The term trail means to follow 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 unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

307.3.8 AIRCRAFT ASSISTANCE
When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue 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 or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.
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307.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that 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 the following:

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Controlling and managing SLPD units when a pursuit enters another jurisdiction.

(j) Notify the Watch Commander if the pursuit terminates in a collision.

307.4.1 WATCH COMMANDER RESPONSIBILITY

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. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

307.5 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 communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Communications Center will:

(a) Initiate a Code 33.
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(b) Coordinate pursuit communications of the involved units and personnel.
(c) Ensure that a field supervisor is notified of the pursuit.
(d) Notify and coordinate with other involved or affected agencies as practicable.
(e) Assign an incident number and log all pursuit activities.
(f) Broadcast pursuit updates as well as other pertinent information as necessary.
(g) Notify the Watch Commander as soon as practicable.

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

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

Supervisors should consider initiating the procedures outlined in the Inter-Agency Communication for Cross-Border Events Policy.

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY
Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the San Leandro Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

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. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION
The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose
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officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

(a) Ability to maintain the pursuit.
(b) Circumstances serious enough to continue the pursuit.
(c) Adequate staffing to continue the pursuit.
(d) The public's safety within this jurisdiction.
(e) Safety of the pursuing officers.

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 consideration of 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 shall 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 assistance requested or needed.

307.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, stop-sticks, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

307.7.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.
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307.7.2 USE OF FIREARMS
The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.7.3 Intervention Standards
Any pursuit 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 deadly force and subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer’s disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
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2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) Only those officers trained in the use of stop-sticks will be authorized to use them. The use of stop-sticks shall be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

307.7.4 CAPTURE OF SUSPECTS
Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and detention/apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary 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 to contain and capture the suspects.

307.8 STARCHASE PURSUIT MANAGEMENT SYSTEM
The StarChase system allows a trained officer to remotely affix a GPS tracking device to a vehicle using an air pressure launching system installed on the front of a police vehicle or handheld launcher. Once the tracker is affixed, the vehicle's location can be tracked by department personnel (StarChase monitor) using a computer with an internet connection.

(a) For the purpose of clarity of communications, radio traffic should identify the device as "StarChase."
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(b) StarChase equipment will only be operated by officers who have been trained in its use using StarChase equipped vehicles.

(c) Except as specified below, trained officers are authorized to deploy a StarChase tag upon a pursued vehicle with prior approval from a supervisor.

307.8.1 EQUIPMENT TESTING
Officers assigned to StarChase equipped vehicles shall perform the following system checks at the beginning of their work shift:

(a) Check the StarChase GPS tracker housing unit located on the front bumper of the patrol vehicle to ensure two StarChase GPS darts (tags) are present.

(b) Activate the StarChase system deployment unit to ensure proper functionality.

307.8.2 WHEN USE IS AUTHORIZED
StarChase equipment shall only be used to apprehend a fleeing suspect or suspect likely to flee in a vehicle under exigent circumstances. The device shall not be used to monitor or track a non-pursued vehicle outside the scope of immediate apprehension.

Deployment of the StarChase system may be done prior to the attempted stop or during the pursuit of any violator under the following circumstances:

(a) When the violator is believed to be a violent felon who poses a significant, ongoing threat to public safety.

(b) When the violator is believed to be a violent misdemeanant, armed, and poses a significant an ongoing threat to public safety.

(c) Suspected intoxicated drivers where the driving of the subject PRIOR to the attempted stop already presented an intolerable risk of injury or death to persons other than the subject.

In addition, StarChase may also be deployed under the following circumstances.

(a) Prior to the attempted stop of any violator for a felony offense.

(b) When a violator is driving in a non-hazardous manner but willfully failing to yield to emergency lights and siren.

Based on communication limitations, StarChase may not be used to assist outside agencies who pursue a vehicle into our jurisdiction unless:

(a) The pursuit meets the criteria listed under this policy, and

(b) The outside agency relinquishes complete control of the pursuit to our agency.

Prior to deployment officers should make every attempt to:

(a) Advise dispatch of the impending use and provide them with their patrol vehicle number.

(b) Provide a detailed description of the suspect vehicle.

(c) Provide a detailed description of all occupants of the vehicle, if known.
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307.8.3 SAFETY CONSIDERATIONS
All safety decisions related to the discharge of a StarChase tag shall be evaluated by the operator prior to deployment. While supervisors may direct or approve the deployment of a StarChase equipped patrol car in a pursuit and / or the discharge of a tag, safety decisions related to maneuvering around other involved vehicles and the actual discharge of the device will be evaluated by the operator prior to deployment. In accordance with policy, the safety of officers, uninvolved persons, and persons inside the pursued vehicle shall be considered. The following decisions are specifically included:

(a) Whether the officer can safely maneuver close enough to the suspect vehicle to come within targeting range.
(b) Whether the officer can safely maneuver around any other vehicle involved in the pursuit.
(c) Whether any circumstance would indicate the device would not work (e.g. weather conditions, suspect vehicle weaving, etc.)

StarChase equipped patrol cars, with approval of a supervisor, are authorized to respond Code 3 to join a pursuit for potential use of the device.

(a) Unless directed otherwise, the StarChase equipped vehicle will join the pursuit at the rear of authorized pursuing vehicles until cleared to pass.
(b) Once a StarChase equipped vehicle joins a pursuit, it becomes an authorized unit as it relates to the number of authorized pursuing vehicles.
(c) StarChase equipped vehicles may maneuver around other pursuing vehicles only when deemed safe and only with the specific permission from the unit in front of them. Permission is to be sought and acknowledged one maneuver at a time. Officers driving the StarChase equipped vehicles will identify which side of the overtaken vehicle they will pass on.

307.8.4 TACTICAL CONSIDERATIONS
The StarChase tag will not normally be deployed in the following situations unless the suspect poses substantial risk to the public.

(a) During heavy rain
(b) While driving on exceptionally rough terrain
(c) On a motorcycle
(d) When pedestrians are between or very near the suspect vehicle and the StarChase equipped vehicle.

307.8.5 POST-DEPLOYMENT
Officers should broadcast immediately that the StarChase device has been deployed, and if the deployment was successful or not.
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If a StarChase tag is successfully deployed on a vehicle that is pursuable per this policy, pursuing vehicles should normally drop back significantly from the suspect vehicle. Officers and supervisors should evaluate the need to continue the visual pursuit of the suspect vehicle.

This evaluation should include all the “factors to consider” outlined in this policy, as well as the potential fallibility of the StarChase system.
If a StarChase tag is successfully deployed prior to the attempted stop of a vehicle that is not pursuable per this policy, officers shall initiate the following tactics:

(a) Attempt to perform a traditional traffic stop on the vehicle using appropriate tactics.
(b) If the vehicle flees officers should deactivate their emergency lights and siren, drive in a non-emergency manner (obeying all the rules of the roadway), and fall back significantly from the suspect vehicle to indicate to the suspect that they are not being pursued or followed.
(c) The primary officer or supervisor should then monitor updates from the communication center and direct officers to appropriate locations in order to apprehend the suspect.
(d) Unless authorized by a supervisor, officers coordinated response to apprehend the suspect shall be done in a non-emergency manner (obeying all the rules of the roadway).
(e) No officer who is driving a moving patrol vehicle will access the StarChase mapping website as this creates an unnecessary hazard.

307.8.6 COMMUNICATION CENTER RESPONSIBILITIES
The communication supervisor will ensure the appropriate number of dispatchers are logged into the StarChase mapping website at all times.
Upon being advised that the StarChase system has been deployed, the communication center will be responsible for the following:

(a) Immediately begin to monitor the suspect vehicles location through the StarChase Mapping website.
(b) Provide regular updates on the suspect vehicle’s location, direction of travel and speed to the officers involved.
(c) Advise neighboring agencies when the suspect vehicle is likely to enter their jurisdiction, and if their assistance is being requested.

307.8.7 REPORTING REQUIREMENTS
In addition to the normal pursuit reporting procedures required by policy, Officers should make every attempt to retrieve any GPS tracking dart that is deployed. If used to track a vehicle during the event, Officers should include the GPS tracking dart serial number in their police report.
Supervisors shall download the Activity Detail Report from the StarChase mapping website and ensure it is attached to the related crime report and conduct a review of the deployment to ensure policy compliance.
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Supervisors will be responsible for issuing replacement GPS tacking darts following a deployment. When doing so they will email the departmental StarChase manager the serial number of the replacement dart as well as the patrol vehicle number it was assigned to.

307.9 REPORTING REQUIREMENTS
The following reports should be completed upon conclusion of all pursuits:

(a) The primary officer should complete appropriate crime/arrest reports.

(b) The field supervisor shall ensure that the primary officer completes an Allied Agency Vehicle Pursuit Report (form CHP 187A). The CHP 187A form will be filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1) by the Records Unit Supervisor. The primary officer should complete as much of the required information on the form as is known and forward the report to the field supervisor for review and distribution.

(c) Unless directed otherwise by the Bureau of Operations Captain, submit within 7 days to the Watch Commander, a post-review and analysis of the pursuit. This review shall minimally contain the following information:

1. Date and time of the pursuit.
2. Length of pursuit.
3. Involved units and officers.
4. Initial reason for pursuit.
5. Starting and termination of points.
6. Disposition (arrest, citation), including arrestee information if applicable.
7. Injuries and/or property damage.
9. Name of supervisor at scene.
10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted.

(d) The Watch Commander shall forward the post-review of the pursuit to the Bureau of Operations Captain within 14 days of the occurrence with their own comments.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING
In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).
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307.9.2 POLICY REVIEW
Annually each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, will be used to document the compliance and retained in the member’s training file.

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

307.11 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 84-17.
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:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

All units responding to an officer needs emergency assistance situation are authorized to respond Code-3, unless a supervisor advises otherwise.

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

308.4 INITIATING CODE 3 RESPONSE
If an officer believes a Code-3 response to any call is appropriate, such as a 901A, the officer shall immediately notify the Communications Center. Generally, only one unit should respond
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Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

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. In all other circumstances, a Code-3 response will generally be determined by the field officers. The dispatcher shall:

(a) Immediately notify the field supervisor
(b) Notify and coordinate allied emergency services (e.g., fire and ambulance) if applicable
(c) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
(d) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

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

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

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

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

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

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

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 unit may be assigned to the emergency response.

308.9 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 86-06.
Senior and Disability Victimization

309.1 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 San Leandro Police Department members as required by law (Penal Code § 368.6).

The San Leandro 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).

309.1.1 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

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

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

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

Any Watch Commander who determines and approves an officer’s deviation from this policy shall forward the written report to the Chief of Police via the chain of command 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)).

309.3 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:
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1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).

2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:

   (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

   (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

   (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.

   (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.

3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

   (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.

   (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).

   (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).

   (f) Ensuring that all members carry out their responsibilities under this policy.

   (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.

   (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.
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309.4 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.

309.5 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.

(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.
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(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)).

309.5.1 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
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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)).

309.6 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).

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

309.7 MANDATORY NOTIFICATION
Members of the San Leandro Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder 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 as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):
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(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):  

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.  

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.  

3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.  

4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) 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.

(g) The District Attorney’s office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).  

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and
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Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Criminal Investigations Division 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)).

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

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

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

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim.
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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.

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

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

(a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

(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.

309.9 INTERVIEWS

309.9.1 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.
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309.9.2 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.

309.9.3 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).

309.10 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.

309.11 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.

309.11.1 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.
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(b) Notify the Criminal Investigations Division supervisor so an interagency response can begin.

309.11.2 SUPERVISOR RESPONSIBILITIES
The Criminal Investigations Division 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 Criminal Investigations Division 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.

309.12 RECORDS UNIT RESPONSIBILITIES
The Records Unit is responsible for:

(a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original adult abuse report with the initial case file.

309.13 JURISDICTION
The San Leandro 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.

309.14 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.
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(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.

309.14.1 MANDATORY TRAINING

The Professional Standards and Training Lieutenant 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 Professional Standards and Training Lieutenant 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)).

309.15 RELEVANT STATUTES

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

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

(b) 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)
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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:

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
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knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:

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

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

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

Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

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.
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2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
3. Failure to protect from health and safety hazards.
4. Failure to prevent malnutrition or dehydration.
5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

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

1. Sexual battery, as defined in Section 243.4 of the Penal Code.
2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
3. Rape in concert, as described in Section 264.1 of the Penal Code.
4. Incest, as defined in Section 285 of the Penal Code.
5. Sodomy, as defined in Section 286 of the Penal Code.
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.
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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.
Canines

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

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

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

Canine teams should generally not be assigned to handle matters that will take them out of service for extended periods of time and then only with the approval of the Watch Commander, or authorized designee.

310.4 CANINE COORDINATOR
The canine unit operates within the patrol division under the direction of the Police Lieutenant, who is appointed as the Canine Unit Coordinator. The lieutenant is responsible for the overall management of the program.

The day to day operation of the unit will be under the direction of the Police Sergeant, who is appointed as the Canine Unit Supervisor. The responsibilities of the Canine Unit Supervisor would include, but are not limited to the following:

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

310.5 REQUESTS FOR CANINE TEAMS
Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the Watch Commander.

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy;
(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable;
(c) 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;
(f) When deploying for an outside agency request, SLPD policies, procedures, and guidelines for the use of the canine unit, and not those of the outside agency, shall be followed by the canine handler.
(g) Another San Leandro Police Department officer should accompany the canine team when being deployed to assist an outside agency.

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

310.6 APPREHENSION GUIDELINES
A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

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

(d) 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 may cause death or serious bodily injury to the officer or the public unless the person is immediately stopped and apprehended.

Because on rare occasions a canine may cause death or great bodily injury to a person subjected to a dog bite, handlers and officers are advised that before releasing the canine the following should occur if time and the totality of circumstances permit:

- De-escalation of the situation; identification of the presence of the police and a canine; verbal warnings that the dog will bite the person unless the person complies with commands and orders of the police.

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 a suspect wanted for a criminal offense where a less lethal force application would not be reasonably necessary requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers or the public, such canine use shall be conducted on-leash and under conditions where the handler has complete control of the canine at all times.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat of death or serious bodily injury to another, the handler shall secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler shall promptly command the canine to release the suspect once it is safe to do so.

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

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

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.

310.6.2 WARNINGS AND ANNOUNCEMENTS

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

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

310.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

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

Photographs shall be taken of the canine bite or injury, whether intended or unintended, as soon as practicable after first tending to the medical 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.

Any unintended bite or injury caused by a canine, whether on duty or off duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by the canine should be documented in an administrative report. If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and the location of the alleged injury shall be photographed and documented as described above. After any unintended bite or injury, the canine will be taken out of service and will be re-evaluated to determine the cause and identify any training issues.
Canines

The findings will be forwarded to the Chief of Police through the chain of command prior to placing the canine back in service. These findings will be included in the administrative report.

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

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

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

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

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

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

310.8 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation;
(b) Residing in an adequately fenced, single-family residence (minimum 6-foot high fence with locking gates);
(c) A garage that can be secured and accommodate a canine vehicle;
(d) Living within 50 miles from the San Leandro City limits;
(e) Agreeing to be assigned to the position for a minimum of three years with the assignment lasting a maximum of seven years. The canine team will be evaluated on a consistent basis by the canine supervisor and coordinator and extended as appropriate on merit and productivity.

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
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(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the San Leandro Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

(l) Should the canine become missing, the handler shall immediately report the canine missing to the local police department and immediately notify the on duty patrol sergeant.

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

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

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

310.10 HANDLER COMPENSATION
The canine handler shall be available for call-out under conditions specified by the canine 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).
Canines

310.11 CANINE INJURY AND MEDICAL CARE
In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine 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 by the canine supervisor.

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

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

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

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

(a) Canine teams should receive training as defined in the current contract with the San Leandro Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

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

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

310.12.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler's and the canine's training file.
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310.12.4 TRAINING AIDS
Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the San Leandro Police Department may work with outside trainers with the applicable licenses or permits.

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

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

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler’s assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
Canines

(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.

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

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

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

310.13 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-19.
Domestic Violence

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

311.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

311.3 OFFICER SAFETY
The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

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

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.
Domestic Violence

(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 Criminal Investigations Division 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 shall take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:
Domestic Violence

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim’s contact information to the jail staff to enable notification of the victim upon the suspect’s release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

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

(b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.

(b) Provide the victim with the department’s domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

311.6 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.
311.7 FOREIGN COURT ORDERS
Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

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

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

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
   1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.
   1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

311.9 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:

311.9.1 STANDARDS FOR ARRESTS
Officers investigating a domestic violence report should consider the following:
Domestic Violence

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person’s arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person’s arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person’s arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender’s child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(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).
Domestic Violence

311.9.2 COURT ORDERS

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

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

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

311.9.4 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).
311.9.5 RECORD-KEEPING AND DATA COLLECTION
This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Support Services Manager to maintain and report this information as required.

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

311.10 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 85-10 and 00-01.
Search and Seizure

312.1 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 San Leandro Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY
It is the policy of the San Leandro 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.

312.3 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.
Search and Seizure

312.4 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.

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

• Reason for the search

• Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)

• What, if any, injuries or damage occurred

• All steps taken to secure property

• The results of the search, including a description of any property or contraband seized

• If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.
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313.1   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 San Leandro Police Department (34 USC § 11133).

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

313.1.1   DEFINITIONS
Definitions related to this policy include:

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

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

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

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
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(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact 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).

313.2 POLICY
The San Leandro 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 San Leandro Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

313.3 JUVENILES WHO SHOULD NOT BE HELD
Juveniles who exhibit any of the following conditions should not be held at the San Leandro 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).

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

313.3.1 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 or supervisor shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

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

313.4 CUSTODY OF JUVENILES
Officers should take custody of a juvenile and temporarily hold the juvenile at the San Leandro 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 San Leandro 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 his/her entry into the San Leandro Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

313.4.1 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 San Leandro 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).

313.4.2 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.
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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).

313.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the San Leandro 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 his/her 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).

313.5 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).
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Whenever a juvenile is taken into temporary custody, he/she 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, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

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

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

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

313.7 NO-CONTACT REQUIREMENTS

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

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

313.8 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Watch Commander or supervisor should be notified if it is anticipated that a juvenile may need to remain at the San Leandro Police Department more than four hours. This will enable the Watch Commander or supervisor to ensure no juvenile is held at the San Leandro 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) 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).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(j) 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).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
   1. The supervisor should ensure that there is an adequate supply of clean blankets.
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(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(o) 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).

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

313.10 USE OF RESTRAINT DEVICES
Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the San Leandro 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 or supervisor. 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).

313.11 PERSONAL PROPERTY
The officer taking custody of a juvenile offender or status offender at the San Leandro 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 San Leandro Police Department.

313.12 SECURE CUSTODY
Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander or supervisor 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 him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):
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(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).

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
(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 his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
   3. Requests or concerns of the juvenile should be logged.
(e) Males and females shall not be placed in the same locked room (15 CCR 1147).
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(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.

313.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

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

(a) Immediate notification of the on-duty supervisor to the Chief of Police via the chain of command, as well as notification of the Criminal Investigations 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.

313.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

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

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

313.14.1 MANDATORY RECORDINGS OF JUVENILES

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

313.15 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Watch Commander.

Any juvenile, 14 years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from a supervisor, the Watch Commander or Criminal Investigations Division supervisor, giving due consideration to the following:

(a) The gravity of the offense
(b) The past record of the offender
(c) The age of the offender
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313.16 RELEASE OF INFORMATION CONCERNING JUVENILES
Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the San Leandro 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 Support Services Manager and the appropriate Criminal Investigations Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

313.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION
The Bureau of Services Captain shall coordinate the procedures related to the custody of juveniles held at the San Leandro Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

313.18 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 83-10, 87-28, and 87-41.
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 San Leandro 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.

Also, this policy is consistent with the City of San Leandro Administrative Procedure AP-1000. See attachment: AP 1000 Harassment discrimination prevention complaint process.pdf

314.3 DEFINITIONS
Definitions related to this policy include:

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

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

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.
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314.3.2 RETALIATION
Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

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

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

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

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

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or
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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

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

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

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

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.
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314.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

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

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

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

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

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Manager, or the City Manager.

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

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

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

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

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

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

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

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

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

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

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

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

314.7.2 TRAINING RECORDS
The Professional Standards and Training Lieutenant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).
Discriminatory Harassment

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

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

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 San Leandro 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 San Leandro 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).
Child Abuse

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.

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.
Child Abuse

(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).

315.6 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.
Child Abuse

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).

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.
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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.

315.7.1 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.

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 Special Victims Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Special Victims Unit 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:

(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 Criminal Investigations Division Lieutenant 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 Criminal Investigations Division Lieutenant 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

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, which includes a person who is 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, (anyone under the age of 18), who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277et 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 person’s 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 San Leandro 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 San Leandro 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 Criminal Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

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

- 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).
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.

(j) Make immediate inquiries to local hospitals, CORPUS/CRIMS systems, and the Alameda County Coroners Bureau.

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.

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 Unit.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

(g) Ensuring that all missing and found persons are added to the Daily Shift Report.

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 UNIT RESPONSIBILITIES
The receiving member shall:

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

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 Criminal Investigations Division.

(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 CRIMINAL INVESTIGATIONS DIVISION FOLLOW-UP

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

(a) Shall ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.
   1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
   2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child’s student file, along with contact information if the school receives a call requesting the transfer of the missing child’s files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
Missing Persons

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

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

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 Criminal Investigations Division 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.
Missing Persons

(b) If the missing person is a resident of San Leandro or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Professional Standards and Training Lieutenant 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) and PVRS
   3. Confirming missing status and custody status of minors
   4. Evaluating the need for a heightened response
   5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.
Missing Persons

316.11  RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 84-19.
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 San Leandro Police Department should notify their supervisor, Watch Commander, or Criminal Investigations Division 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, via chain of command, when any public alert is generated.

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

(a) Updating alerts;
(b) Canceling alerts;
(c) Ensuring all appropriate reports are completed;
(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander.

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)):
Public Alerts

(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 Criminal Investigations Lieutenant or other authorized individual to handle media liaison;
7. A telephone number for the public to call with leads or information.

(b) Once the above information has been gathered, the Alameda County Sheriff’s Office Emergency Dispatch Center shall be contacted. The Sheriff’s Office will then contact the local California Highway Patrol communications center who will then initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) For a regional (Alameda County only) broadcast, the press release information shall be forwarded to the Alameda County Sheriff’s Office Emergency Dispatch Center 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;
Public Alerts


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.

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 Criminal Investigations Lieutenant 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 Alameda County Sheriff’s Office Emergency Communications Center so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:
Public Alerts

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).

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 YELLOW ALERT
A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

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

(a) A person has been killed due to a hit-and-run incident.
(b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
(c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
Public Alerts

1. The complete license plate number of the suspect's vehicle.
2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
3. The identity of a suspect.
4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

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

317.8 RESCINDED POLICY
This policy will rescind San Leandro Operations Directive 03-01.

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

317.9.1 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.

317.9.2 PROCEDURE FOR FEATHER ALERT
Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).
Public Alerts

317.10  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).

317.10.1  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.

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

317.11  MUTUAL AID
The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Criminal Investigations Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a)  Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.
(b)  In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
(c)  The Criminal Investigations Lieutenant will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The San Leandro Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.
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 San Leandro Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the San Leandro 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 San Leandro 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 San Leandro Police Department jurisdiction (Penal Code § 680.2).
Victim and Witness Assistance

(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.

318.4 CRIME VICTIMS

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

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

318.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

318.5 VICTIM INFORMATION

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

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check
Victim and Witness Assistance

- on an offender’s custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer’s name, badge number, and any applicable case or incident number.

(l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

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

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

318.7 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-36.
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 San Leandro 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).

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:

- **Disability**
- **Gender**
- **Nationality**
- **Race or ethnicity**
- **Religion**
- **Sexual orientation**
- **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.

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
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- 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):

(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.
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(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 immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Coordinating with the Professional Standards and Training Lieutenant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the Department of Justice.

1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).

(l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Annually assessing this policy, including:

1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.
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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.

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.
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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.

(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).
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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.
   4. Prior occurrences, in this area or with this victim.
   5. Statements made by suspects; exact wording is critical.
   6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
Hate Crimes

(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).


(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).

(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).
Hate Crimes

(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
Standards of Conduct

321.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the San Leandro 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.

321.2 POLICY
The continued employment or appointment of every member of the San Leandro 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.

321.3 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.

321.3.1 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.
Standards of Conduct

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

321.3.2 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.

321.4 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.

321.5 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:

321.5.1 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.
Standards of Conduct

321.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the San Leandro Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

321.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

321.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).
Standards of Conduct

321.5.5 ATTENDANCE
   (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
   (b) Unexcused or unauthorized absence or tardiness.
   (c) Excessive absenteeism or abuse of leave privileges.
   (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

321.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE
   (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member’s position with this department.
       (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
   (b) Disclosing to any unauthorized person any active investigation information.
   (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
   (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
   (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

321.5.7 EFFICIENCY
   (a) Neglect of duty.
   (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
   (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
   (d) Unauthorized sleeping during on-duty time or assignments.
   (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
   (f) Failure to notify the Human Resources Division of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.
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321.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
   1. While on department premises.
   2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
   3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:
   1. Unauthorized attendance while on duty at official legislative or political sessions.
   2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by 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.

321.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law
Standards of Conduct

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.

(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.

321.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.
Standards of Conduct

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

321.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Information Technology Use

323.1 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.

323.1.1 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 San Leandro Police Department and/or the City of San Leandro 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.

323.2 POLICY
It is the policy of the San Leandro 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.

323.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.
Information Technology Use

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).

323.4 RESTRICTED USE
Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisor or Watch Commander.

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.

323.4.1 SOFTWARE
Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

323.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.
Information Technology Use

323.4.3 INTERNET USE
Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail and data files.

323.4.4 OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

323.5 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.

323.6 INSPECTION OR REVIEW
A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department
**Information Technology Use**

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.
Department Use of Social Media

324.1 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).

324.1.1 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

324.2 POLICY
The San Leandro 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.

All members shall be familiar with the City’s Social Media Applications Policy.

See attachment: AP 1011 Social Media Applications Policy.pdf

324.3 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.
324.4 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:

(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.

324.4.1 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 Criminal Investigations Lieutenant or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

324.5 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 San Leandro 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.
Department Use of Social Media

324.5.1 PUBLIC POSTING
The posting of comments by the public shall adhere to the City’s Social Media Application Policy AP-1011.

324.6 MONITORING CONTENT
The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

324.7 RETENTION OF RECORDS
The Support Services Manager shall 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.

324.8 TRAINING
Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.
Report Preparation

325.1 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.

325.1.1 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 and a "late card" has been submitted. 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 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.

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

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

   (a) All arrests
   (b) All felony crimes
   (c) Non-Felony incidents involving threats or stalking behavior
   (d) Situations covered by separate policy. These include:
       1. Use of Force Policy
       2. Domestic Violence Policy
Report Preparation

3. Child Abuse Policy
4. Adult Abuse 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., CAD notes).

325.2.2 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person
(b) Any use of force against any person by a member of this department (see the Use of Force Policy)
(c) Any firearm discharge (see the Firearms Policy)
(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
(e) Any found property or found evidence
(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
(g) Suspicious incidents that may indicate a potential for crimes against children or that a child’s safety is in jeopardy
(h) All protective custody detentions
(i) Suspicious incidents that may place the public or others at risk
(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

325.2.3 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;
Report Preparation

(d) Unattended deaths;
(e) Found dead bodies or body parts.

325.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

325.2.5 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.

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

325.2.7 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Custody Order Violations (late drop-offs or pickup of child, NOT child concealment);
(b) Harassing or Annoying Phone Calls (hang-up, obscene language, etc.);
(c) Hit and Run Vehicle Collisions (unintentional vehicle collision without exchange of information);
(d) Identity Theft (someone uses your name or SS# to obtain credit or open utility/service accounts);
(e) Lost Property (wallet, purse, cell phone, etc.);
(f) Theft (from unlocked vehicle, yard or open space, locker, coin operated machines, etc.);
(g) Unauthorized Use of Credit Card (unauthorized charges to a credit card);
(h) Vandalism of Property (defacing property, graffiti, broken window, landscaping, etc.);
(i) Vandalism of Vehicle (intentional damage, keying spray paint, eggs, etc.);
(j) Vehicle Burglary (theft from a locked vehicle).
Report Preparation

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

325.3    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.

325.3.1    GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

325.3.2    GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

325.4    REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should send the report back stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

325.5    REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

325.6    RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 88-02.
Media Relations

326.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

326.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, the Lieutenant of the Criminal Investigation Division, or his/her designee, is the designated Press Information Officer (PIO) and may prepare and release information to the media in accordance with this policy and the applicable law.

In matters involving Departmental policy, or the interpretation of Departmental policy, or for statements which may reflect on the reputation of the Department, the media release shall be the responsibility of the Chief of Police or a designee.

At crime scenes or during natural disasters, the on-duty Watch Commander, or a designee, will be responsible for media relations and the release of information.

326.2.1 MEDIA REQUEST
Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, 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. The release of information should defer to the agency who has the primary investigative responsibility.

(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, or without the express approval of the primary investigating agency.

326.3 MEDIA ACCESS
Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
**Media Relations**

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Criminal Investigations Lieutenant or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety, significantly hampers incident operations, and/or impairs the integrity of the crime scene, 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 should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media may be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the PIO or designee.

326.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.
326.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will make available significant law enforcement activity to media representatives through the PIO. This information will generally contain the following:

(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, 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 PIO (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin, cleared through the Coroner's Office, and with approval of the PIO.

Any requests for copies of related reports or additional information shall be referred to the PIO, 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.).

Descriptions and/or photographs of arrestees, wanted persons, violent offenders, and private photographs and videos, may be released by the PIO or designee.

326.4.1 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.

326.5 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 84-14.
Outside Agency Assistance

327.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members when requesting or responding to outside agency assistance.

327.2 POLICY
It is the policy of the San Leandro Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

327.3 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 requesting outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

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

327.3.1 INITIATED ACTIVITY
Any on-duty officer who engages in law enforcement activities of any type that are not part of the outside agency request, and takes place outside the jurisdiction of the San Leandro 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.

327.4 REQUESTING OUTSIDE ASSISTANCE
If assistance is needed from another agency, the member requesting assistance shall get approval from 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.
Outside Agency Assistance

327.5 REPORTING REQUIREMENTS
Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

327.6 MANDATORY SHARING
Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Bureau of Operations Captain 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 Police Business Manager to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Professional Standards and Training Lieutenant should maintain documentation that the appropriate members have received the required training.
Registered Offender Information

328.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the San Leandro 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.

328.2 POLICY
It is the policy of the San Leandro 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.

328.3 REGISTRATION
The Criminal Investigations Division 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.

328.3.1 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.).

328.4 MONITORING OF REGISTERED OFFENDERS
The Criminal Investigations Division 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.
(d) Vehicles owned/used by registrant.
Registered Offender Information

(e) Unobtrusively confirm employment.

Any discrepancies should be reported to the California DOJ.

The Criminal Investigations Division Lieutenant should also establish a procedure to disseminate information when deemed necessary, regarding registered offenders to San Leandro Police Department personnel, including timely updates regarding new or relocated registrants.

328.5 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 San Leandro Police Department's website. Information on sex registrants placed on the San Leandro Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Support Services Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

328.5.1 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).
Registered Offender Information

328.5.2 RELEASE NOTIFICATIONS
Registrant information that is released should include notification that:

(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

329.1 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.

329.2 POLICY
The San Leandro 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.

329.3 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 Division Commander. 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
- Train accidents
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to a City employee - on or off duty
- Death of a prominent San Leandro official
- Hate crimes
- Arrest of a department employee or prominent San Leandro official
- Aircraft crash with major damage and/or injury or death
- Barricaded subjects
- In-custody deaths
- Pursuit related collisions
- Use of force requiring hospitalization
- Deployment of the Rescue Vehicle

329.4 WATCH COMMANDER RESPONSIBILITY
The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable.
Major Incident Notification

During normal business hours, the Watch Commander should make notifications via telephone through the chain of command. If the incident occurs after normal business hours, the Watch Commanders should use their discretion on the type of notification.

329.4.1 STAFF NOTIFICATION
In the event an incident occurs described in this policy, the Chief of Police shall be notified through the chain of command.

329.4.2 DETECTIVE NOTIFICATION
If the incident requires that a detective respond from home, the Criminal Investigations Lieutenant shall be contacted who will then contact the appropriate detective.

329.4.3 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.

329.4.4 CRIMINAL INVESTIGATIONS LIEUTENANT (PIO)
The Criminal Investigations Lieutenant shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

329.5 COUNCIL NOTIFICATION
At the direction of a Bureau Captain or Chief of Police, the City Council shall be notified of major incidents. These notifications will be made as soon as practical, with limited information that will not jeopardize any investigation.
Identity Theft

331.1 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.

331.2 POLICY
In most incidents of a reported identity theft, the victim shall be referred to the online reporting system to file a report. If the victim requests an officer, an officer will be dispatched to take the report.

331.3 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.
Identity Theft

(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.
Death Investigation

332.1 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.

332.2 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.

332.2.1 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).
Death Investigation

(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.

332.2.2  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.

332.2.3  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.
332.2.4 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.

332.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate report.

332.2.6 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

332.2.7 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)).

332.3 DISPOSITIONS OF SUICIDE NOTES
It shall be the duty of officers investigating scenes of suicides to attempt to locate any suicide note(s) left by the deceased. Upon locating the note(s), officers will record the contents. The note(s) will then be initialed and dated by the officers for possible evidence. The note(s) will then be given to the Deputy Coroner assigned to the case.

332.4 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-22.
Communications with Persons with Disabilities

333.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

333.1.1 DEFINITIONS
Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

333.2 POLICY
It is the policy of the San Leandro Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR
The Chief of Police should delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator should be appointed by, and directly responsible, to the Bureau of Services Captain or authorized designee.

The responsibilities of the ADA Coordinator should include, but not be limited to:

(a) Working with the Public Works Director regarding the San Leandro Police Department’s efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.
Communications with Persons with Disabilities

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
   1. Contact information
   2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

333.4 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

333.5 INITIAL AND IMMEDIATE CONSIDERATIONS
Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.
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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the San Leandro Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

333.6 TYPES OF ASSISTANCE AVAILABLE

San Leandro Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.
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333.7 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.

333.8 TTY AND RELAY SERVICES
In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

333.9 COMMUNITY VOLUNTEERS
Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

333.10 QUALIFIED INTERPRETERS
A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.
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(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

333.11 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

333.12 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 individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual’s preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.
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If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

**333.12.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

**333.13 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

**333.14 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):
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(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

333.15 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.

333.16 TRAINING
To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department should provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Professional Standards and Training Lieutenant 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 Professional Standards and Training Lieutenant 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.
Communications with Persons with Disabilities

333.16.1 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.

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 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.
Private Persons Arrests

334.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the handling of private person’s arrests made pursuant to Penal Code § 837.

334.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS
Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person’s arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person’s arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person’s arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

334.3 ARRESTS BY PRIVATE PERSONS
Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;
(b) When the person arrested has committed a felony, although not in his or her presence;
(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

334.4 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person’s arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
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

334.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a San Leandro Police Department Statement/Citizen Arrest form under penalty of perjury, attesting to the private persons arrest.

In addition to the Statement/Citizen Arrest form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
Mandatory Employer Notification

336.1 PURPOSE AND SCOPE
The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

336.2 POLICY
The San Leandro Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

336.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

336.3.1 ARREST OF PUBLIC SCHOOL TEACHER
In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

336.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

336.3.3 ARREST OF PRIVATE SCHOOL TEACHER
In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).
Mandatory Employer Notification

336.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor’s Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

336.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES
In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).
Chaplains

337.1 PURPOSE AND SCOPE
The San Leandro Police Department Chaplain Program is established to provide the necessary guidance, resources, comfort and support as "caring listeners" to employees, their families, police department volunteers, or members of the community who are in need of such services. The Chaplaincy Program is not intended to replace the City's Employee Assistance Program (EAP) or other police department sponsored psychological programs.

337.2 POLICY
It is the policy of the San Leandro Police Department to assist and support employees, their families, police department volunteers or members of the community who have experienced a traumatic incident or have a need for a caring listener. The Chaplain Program shall be a nondenominational, ecumenical ministry provider by volunteer clergy without financial compensation.

337.3 DEFINITIONS
(a) TRAUMATIC INCIDENT - A situation which has the potential to overwhelm a person's ability to cope during or shortly after an incident.

(b) POLICE CHAPLAIN - A Police Chaplain is an ordained or licensed minister endorsed for chaplaincy by a local ecclesiastical body, who volunteers to assist the San Leandro Police Department employees, their families, police volunteers or members of the community in personal or professional crisis or during a traumatic event.

(c) POLICE CHAPLAIN COORDINATOR - The Police Chaplain Coordinator is a Police Sergeant, designated by the Chief of Police, who will provide oversight to the Chaplaincy Program. This may include acting as a liaison with the police department command staff, preparing the on-call schedules, coordinating call-out duty as well as preparing any needed administrative reports.

337.3.1 ROLE OF POLICE CHAPLAINS
(a) Police Chaplains will provide support when:

1. A member of the San Leandro Police Department is seriously injured or killed.

2. There is any incident involving a death or serious traumatic injury (e.g. homicide, traffic collision, airplane accident).

3. There is any incident in which a department employee is involved in an event causing death or serious injury to another. The Police Chaplain will provide comfort and care for the employee. They are also available for the employee's family members.

4. Employees or police volunteers with professional or personal problems: The Police Chaplain is a trusted confidential source for dealing with professional and personal issues like relationship problems.
Chaplains

5. Counseling family members: the Police Chaplain is available to speak with all family members including children and relatives.

6. Death Notification: Police Chaplains may accompany the officer or make the notification themselves. The Chaplain can stay with the bereaved family until appropriate arrangements can be made.

7. Hostage Negotiators: The Police Chaplain is a support member. They can supply physical and emotional support to the family members at the crisis scene or to the police personnel during prolonged negotiations.

8. Education/Teaching: The Police Chaplain is knowledgeable in the areas of stress management, dealing with death and family life.

9. Other Tasks:
   
   (a) The Police Chaplain can officiate religious needs at ceremonies, answer religious questions, interpret religious quotes found at crime scenes, personal religious topics, or any incident in which a supervisor feels the assistance of a Chaplain would be beneficial.
   
   (b) The Police Chaplain can provide mentoring support to students and school staff as assigned by school administrators. They will be caring listeners and show genuine friendship to students and staff.
   
   (c) The Police Chaplain may respond at the direction of the Police Chaplain Coordinator or the on-duty supervisory officer to any need at a school where care, guidance or support is appropriate and/or required.

10. Liaison with other clergy and community groups:
    
    (a) The Police Chaplain can foster good public relations with clergy and religious leaders in the community.

11. Supporting the family of victims:
    
    (a) The Police Chaplain is available to speak with all family members, including children and relatives.

12. Victim Assistance:
    
    (a) The Police Chaplain can help people start overcoming major traumas in their lives (i.e. rape, serious assaults or fire)."

13. Community Intervention:
    
    (a) The Police Chaplain may respond, at the direction of the Police Chaplain Coordinator or the on-duty supervisory officer, to any need in the community where care, guidance, or support is appropriate or required.

14. Liaison with other clergy and community groups:
(a) The Police Chaplain can foster good public relations with clergy and religious leaders in the community.

**337.4 REQUIREMENTS**

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

(e) Membership in good standing with the International Conference of Police Chaplains (ICPC).

(f) Possess a valid California Drivers License.

**337.5 SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.

(b) Recommendation from their church elders, board, or council.

(c) Interview with the Police Chaplain Coordinator and/or Program Manager.

(d) Successfully complete an appropriate level background investigation.

**337.6 DUTIES AND RESPONSIBILITIES**

The duties of a chaplain include, but not limited to, the following:

(a) Assisting in making notification to families of department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the department member.

(c) Visit sick or injured law enforcement personnel in the hospital or at home.

(d) Attend and participate in any department training, when requested.

(e) Assist sworn personnel in the diffusion of a conflict or incident, when requested.
Chaplains

(f) Respond to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisors aids in accomplishing the Department's mission.

(g) Be on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.

(h) Counsel officers and other personnel with personal problems, when requested.

(i) Attend department academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(j) Be responsible for the organization and development of spiritual organizations in the Department.

(k) Respond to all disasters, such as earthquakes, bombings and similar critical incidents.

(l) Provide liaison with various religious leaders of the community.

(m) Assist public safety personnel and the community in any other function of the clergy profession, as requested.

(n) Participate in in-service training classes.

(o) Willingness to train to enhance effectiveness.

(p) Facilitate requests for representatives or ministers of various denominations promptly.

(q) Make referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

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

337.7 CLERGY-PENITENT CONFIDENTIALITY

Except as otherwise specified, matters of a personal nature that are discussed between chaplains and others shall remain private and confidential. Members of the clergy are not required to reveal penitential communications; however, clergy must report child, elder abuse or dependent adult abuse discovered while acting in any of the following capacities:

(a) Marriage, family, or child counselor.

(b) Religious practitioner, who diagnoses, examines or treats children, elders or dependent adults.

337.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or his/her designee, Police Chaplains shall report to the Police Chaplain Coordinator.

(b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Police Chaplain Coordinator.
Chaplains

337.8.1 DISMISSAL AS A VOLUNTEER POLICE CHAPLAIN
Reasons for dismissal from the San Leandro Police Department Chaplain Program include, but are not limited to:

(a) Violation of San Leandro Police Department Policies.
(b) Failure or refusal to respond when called.
(c) Excessive tardiness/absences.
(d) Breach of confidentiality.
(e) Failure to satisfactorily perform duties.
(f) Failure or refusal to participate in approved chaplain continuing education.
(g) Failure to maintain ecclesiastical endorsement from the chaplain's judicatory.
(h) Inhibition to perform clerical tasks (defrocking).
(i) Chief of Police determines the voluntary chaplain's services are no longer required and/or dismissal of the voluntary chaplain is in the best interest of the Department.
(j) In the event one or more of the above violations occurs, the chaplain may be subject to counseling with the Chaplain Coordinator and Chaplain Program Manager. It should be noted that any volunteer chaplain may be dismissed as a volunteer police chaplain by the Chief of Police without cause at any time. Volunteer police chaplains, as volunteers, do not retain "property rights" to this position of volunteer police chaplains and are not subject to Civil Service due process procedures.

337.9 POLICE CHAPLAIN EMERGENCY CALL-OUT PROCEDURE
Any department employee, a member of their family or a police department volunteer may telephone or page any Police Chaplain as needed.

(1) POLICE CHAPLAIN EMERGENCY CALL-OUT PROCEDURE:
(a) Emergency call-outs shall be requested by the on-duty supervisory officer through the Communications Center. The Communications Center shall make the appropriate call(s).
(b) The on-call Police Chaplain will assess the circumstances of the call-out and determine the appropriate response (e.g. the number of Chaplains that are needed).
(c) The assigned Police Chaplain will consult with the on-duty supervisory officer or his/her designee to determine the care and/or support service needed.

337.10 UNIFORMS
A distinct uniform and necessary safety equipment will be provided for the Chaplains. The specifications are as follows:
Chaplains

(a) Uniform Tie - The tie shall be black, four-in-hand, made of 55% dacron, 45% wool, manufactured by Samuel Brown, in a snap-away style. A tie shall be worn with the dress jacket, or long-sleeve shirt.

(b) Uniform Tie Bar - The standard tie bar for the dress uniform is a plain horizontal tie bar, to be placed in line with the top seam of the shirt breast pocket. The color of the bar shall be silver.

(c) Uniform Shirt - the long-sleeve shirt shall be the Flying Cross Tropical, 100% wool, 10-101/2 oz., lot #20 W 9576, manufactured by Raeford Uniform Fabrics, #8321-610, navy blue or the "Conqueror" regulation tropical form fit, 55% dacron-polyester, 45% rayon, #WPL 2509.

(d) Uniform Trousers - The trousers shall be 100% wool, 19-19 1/2 oz., fabric to be manufactured by Raeford Mills, fabric 13507-96, pre-shrunk, navy blue elastique. The trousers shall be made, using a uniform pattern, having a plain front with straight side pockets, one watch pocket, two back pockets, and two baton/lamp pockets. Each back pocket shall be made without flaps.

(e) Dress Jacket - The dress jacket shall be an "Eisenhower" style, all wool material, Raeford Mills fabric #13507-96, pre-shrunk, navy blue elastique. The jacket shall have a Talon-style 95 brass zipper and gold-colored "P" button on the breast flaps, shoulder straps, and back tabs. A sleeve stripe shall be included, which shall be 3/4" wide with a 1/2" wide royal blue center with a 1/8" gold border on either side. Sleeve stripe to be sewn 3" from the bottom of the sleeve with the stripe ends sewn into the sleeve seams.

1. Fitting for female chaplains shall be achieved by appropriate cutting for ladies sizes, and insertion of bust and waist darts.

(f) Footwear - The footwear shall be black in color of a plain military style approved by the Chief of Police and may be conventional low-quarter cut or high quarter (half boot) cut, with laced closures.

(g) Trouser Belt - the belt shall be full-grain cowhide, black in color, with no ornamentation, not less than 1 3/8" wide. The buckle shall be single-tongue, semi-squared silver colored.

(h) Uniform Socks - Uniform socks shall be black in color. White socks are permissible when boots are worn, as long as the socks do not show.

(i) Name Tag - the name tag shall consist of a metal bar of a color and design designated by the Chief of Police, 2 3/8" in width x 1/2" in height with clutch or pin security backing. the name tag shall be worn on the exterior garment of the uniform, centered over the right shirt or jacket pocket. The bottom of the bar shall rest on the top of the pocket seam, centered over the pocket. The color of the bar shall be silver.

(j) Shoulder Patch - the patch shall be worn on the left sleeve of all uniform shirts, and jackets. The patch shall be placed 1/4" below the sleeve seam and centered vertically on the shoulder strap.

337.10.1 BADGES
The badge shall be the Ed Jones Co. style number 514, or equivalent. The badge shall be chrome plated ("Hi-chrome" finish) with a designated numeral engraved in the center. The numerals shall be 1 - 10, as assigned by the Chief of Police. The upper rocker shall state "Police", the lower
Chaplains

rocker shall state "Chaplain". The inner upper rocker shall state "San Leandro", the inner lower rocker shall state "California". The enameling for all characters shall be black.
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 San Leandro 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.
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 Adult Protective 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)).
Child and Dependent Adult Safety

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

338.3.3 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.

338.3.4 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

338.4 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.
Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

338.5 TRAINING

The Professional Standards and Training Lieutenant 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 San Leandro 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.
Service Animals

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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 San Leandro Police Department affords to all members of the public (28 CFR 35.136).

339.4.1 INQUIRY
If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

339.4.2 CONTACT
Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

339.4.3 REMOVAL
If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.
339.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).
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

340.2.1 VOLUNTEER COORDINATOR
The Volunteer Coordinator shall be appointed by the Watch Commander, designated by the Chief of Police. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.
(b) Facilitating the implementation of new volunteer activities and assignments.
(c) Maintaining records for each volunteer.
(d) Tracking and evaluating the contribution of volunteers.
(e) 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.
(i) Administering discipline when warranted.
Volunteer Program

(j) 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 requesting unit is prepared to make effective use of volunteer resources.

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.
Volunteer Program

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 their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license
(b) Medical condition
(c) Arrests
(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

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.
Volunteer Program

340.3 SUPERVISION OF VOLUNTEERS
A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.
(b) Ensure volunteers have work space and necessary office supplies.
(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

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, and complete the CLETS security training, 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 Chief of Police.

340.5 PROPERTY AND EQUIPMENT
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.

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.
(b) Verification that the volunteer possesses a valid California Driver License.
(c) Verification that the volunteer carries current vehicle insurance.
Volunteer Program

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 Support Services Manager 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. 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.

340.7 EVALUATION
An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.
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 San Leandro 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.
Off-Duty Law Enforcement Actions

(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 San Leandro Police Department officer until acknowledged. Official identification should also be displayed.

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 PROFESSIONAL STAFF RESPONSIBILITIES
Professional Staff personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

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.
Native American Graves Protection and Repatriation

342.1 PURPOSE AND SCOPE
This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

342.1.1 DEFINITIONS
Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

342.2 EVIDENCE AND PROPERTY
If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

342.3 POLICY
It is the policy of the San Leandro Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

342.4 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT
Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural
Native American Graves Protection and Repatriation

patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official
Police Department Building & Jail Security Camera System

343.1 PURPOSE AND SCOPE
This policy applies to all Police Department maintained security cameras that have monitoring and/or recording capabilities. Its purpose is to manage the use of security cameras located at the San Leandro Police Department in a manner consistent with legal privacy rights.

343.2 GENERAL PRINCIPLES
(a) The principal objectives of security camera monitoring and/or recording is to enhance safety in or around the San Leandro Police Department.

(b) Information obtained through security camera video monitoring and/or recording will be used exclusively for safety, security, and other legitimate law enforcement purposes and will only be released in accordance with this policy or as required by law.

(c) Security cameras shall only be installed in public areas and monitor areas where there is no reasonable expectation of privacy.

343.3 PROCEDURE
(a) Security camera footage will be viewed by personnel authorized by the Chief of Police or designee. A Security System Manager will be designated by the Police Chief.

(b) Personnel shall not disseminate information obtained through the monitoring of security cameras unless such release complies with the law, this policy, or any other Police Department information-release policies.

(c) Security camera locations and fields of view shall be determined by the Chief of Police or designee, and may include, but shall not be limited to: areas that maximize and enhance department and public safety, areas critical to police and building operations.

(d) Those designated by the Police Chief may be provided viewing rights for the purposes of public safety and a need/right to know standard. Those designated by the Police Chief to provide system oversight may be provided the access/permissions to view, review and/or extract video.

343.3.1 RESPONSIBILITIES
(a) The Police Department has operational oversight and the primary responsibility for ensuring adherence to this policy.

(b) This policy does not create an affirmative duty upon the Police Department to monitor security camera equipment on a continuous basis.

343.3.2 TRAINING/OVERSIGHT
All personnel operating the security camera system will be trained in the technical and legal parameters of appropriate system use.
343.3.3 RETENTION, EXTRACTION AND STORAGE PROCEDURE
(a) Routine recorded video should be stored and retained in accordance with the established records retention schedule and for a minimum of 90 days. Jail video and video of evidentiary value will be secured and maintained for 1 year and will be deleted unless the video footage is retained as part of a police investigation, claim filed, pending litigation, criminal proceeding, or alleged misconduct (Government Code 34090.6). Purging of the system will be automatically set based upon the City of San Leandro’s retention schedule.

(b) Video footage extracted and transferred onto digital media for the purposes outlined above shall be logged that it was copied, marked with the incident number, the extracting employee’s name and serial number. The digital media will then be retained in the incident file.

(c) Under no circumstances shall employees (Police or City Staff) access the system without the proper training and approval by the Chief of Police or designee.

343.4 AUDITS
The Security System Manager will ensure that responsible monitoring/recording practices are followed.
Gun Violence Restraining Orders

345.1 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).

345.1.1 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).

345.2 POLICY
It is the policy of the San Leandro 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.

345.3 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).

345.3.1 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.
Gun Violence Restraining Orders

(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).

345.4 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 Unit 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.

345.4.1 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 Support Services Manager for filing with the court and appropriate databases.
**Gun Violence Restraining Orders**

### 345.5 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.

### 345.6 SUPPORT SERVICES MANAGER RESPONSIBILITIES
The Support Services 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).
**Gun Violence Restraining Orders**

**345.7 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.

**345.8 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.

**345.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**
The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
Gun Violence Restraining Orders

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 Support Services 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 Professional Standards and Training Lieutenant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

345.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS
The Criminal Investigations Division 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).

345.11 POLICY AVAILABILITY
The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).
Gun Violence Restraining Orders

345.12 TRAINING
The Professional Standards and Training Lieutenant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).
Police Building Security

346.1 PURPOSE AND SCOPE
This policy provides information and guidelines that will ensure maximum safety and protection for employees and visitors of the San Leandro Police Department building.

346.2 POLICY
Building security is the responsibility of all employees of the San Leandro Police Department. Access to the facility is controlled and the building contains areas limited to public access as well as certain restricted areas limited to authorized department employees. San Leandro Police Department employees will exercise prudent security measures when using departmental facilities and assist all personnel in limiting unauthorized access.

346.3 BUILDING ACCESS
The San Leandro Police Department building will be secured in the following manner:

(a) Exterior Doors - Excluding the main front doors to the San Leandro Police Department, all other exterior doors are to remain secured at all times. These doors will not be left open and unattended at any time.

(b) Interior Doors – Interior door security shall be consistent with employee and departmental security, with consideration given to the overall mission. All employees assigned to a section are responsible for ensuring compliance of this policy in their respective areas.

346.3.1 VISITOR GUIDELINES

(a) All visitors will check in at the front counter in the main lobby.

(b) The Records Unit will maintain all visitor badges and ensure completion of the visitor’s log. The date/time of the visitor’s arrival, visitor’s name, the purpose of the visit, the signature of the visitor, and the date/time of departure will be documented on the log. Identification or car keys should be collected from anyone issued a visitor’s badge to ensure its return.

(c) All visitors and non-department employees shall be issued a visitor’s identification badge. This badge will be worn by the visitor at all times while in the building. Visitors will return their badge when leaving the building.

(d) All visitors to the San Leandro Police Department shall be escorted to and from their point of business. Visitors shall not be left with free access to the building without prior approval of an on-duty commander or designee. Visitor badges and usage will be monitored by the Support Services Division Manager or designee.

Exceptions to visitor procedures are as follows:

(a) City Support Personnel - City of San Leandro employees who routinely enter the building and perform specific tasks in the San Leandro Police Department, and have completed a background and CLETS security and awareness training.
Police Building Security

(b) Vendor employees - Employees from a company selected to provide a service to the City of San Leandro or the San Leandro Police Department. These employees are only authorized access to areas where they have been specifically assigned to conduct their work (i.e. vending machines, laundry service, and food delivery).

(c) Uniformed Officers/Public Safety Employees - Officers, firefighters, etc., from other agencies who have checked in, or who have entered the building with departmental personnel, will be exempt from obtaining a visitor’s badge.

(d) Elected City Officials, City Management and City Department Heads are not required to have a visitor’s badge, but should be escorted to their point of business per Department of Justice guidelines.

(e) Victims, witnesses, suspects or prisoners who are under the direct control of a peace officer, and are accompanied at all times, are not required to obtain visitor’s badges.

(f) City of San Leandro employees and citizens with legitimate business in the Public Safety Classroom may be granted access to those areas, and the adjacent restrooms and hallways, without a visitor badge or escort.

346.4 RESCINDED POLICY

This policy rescinds San Leandro Operations Directive 09-02.
Critical Incident Stress Response Team

348.1 PURPOSE
The purpose of the Critical Incident Stress Response (CISR) Program is to provide all employees with the opportunity for peer assistance during times of professional crisis. The CISR service program does not act as a replacement for professional mental health services, should they be deemed necessary. The San Leandro Department will follow the model developed by the International Critical Incident Stress Foundation (ICISF).

348.2 POLICY
The San Leandro Police Department recognizes that Emergency Services personnel will be exposed to traumatic events over the course of their careers. It will be the policy of the San Leandro Police Department to continually strive to meet the industry standard of care regarding the mental health and emotional well-being of its employees following a traumatic event.

348.3 DEFINITIONS

**Traumatic Event** - Directly experiencing or witnessing actual or threatened death or serious injury or experiencing a threat to one’s own physical integrity or the physical integrity of someone else. Any event that may temporarily overwhelm an individual’s usual methods of coping or produce unusual strong reactions.

**Individual Reactions to a Traumatic Event** - It is important to note an individual’s reaction to a traumatic event is individual-specific based on the totality of circumstances in that individual’s life (i.e., the degree of involvement, cumulative events, personal likeness, children, etc.).

**International Critical Incident Stress Foundation (ICISF)** - ICISF is a worldwide organization dedicated to the prevention and mitigation of disabling stress through education, training, and support services for all emergency services professions.

**Critical Incident Stress Response (CISR) Team** - A partnership between mental health professionals and emergency services employees who are interested in preventing and mitigating the negative impact of acute stress on them and their peers.

**CISR Team Member** - An employee trained to provide psychological first aid, support, and referrals for employees of the San Leandro Police Department. Also referred to as peer support.

**CISR Team Coordinators** - One, or more, Sergeant(s) appointed by the Team Liaison and/or Chief of Police who coordinates team training, deploys our trauma response, communicates with our mental health professional, tracks follow-up services, and other administrative duties related to our CISR Team.

**Team Liaison** - A Lieutenant, appointed by the Chief of Police, as the primary liaison between the CISR Team, the mental health professional, and management staff. The Team Liaison will be responsible for the team budget, authorizing overtime when necessary, and approving team deployment in extraordinary circumstances.
**Critical Incident Stress Response Team**

**Mental Health Professional** - A licensed mental health professional who has specific expertise, experience, education, and training in the field of trauma services with special emphasis on police personnel.

**CISD** - Critical Incident Stress Debriefings, Defusings and/or Demobilizations: Different types of meetings designed to mitigate the psychological impact of a traumatic event, prevent the subsequent development of a post-traumatic stress disorder, and serve as an early identification mechanism for individuals who may require professional mental health follow-up. Debriefings, Defusings, and Demobilizations are structured group meetings or discussions during which personnel are given an opportunity to discuss their thoughts and reactions concerning a traumatic event in a controlled environment under the directions of a mental health professional and peer support personnel.

**Debriefing** - The debriefing is a seven-phase process that should be conducted within 72 hours of the traumatic event. The debriefing usually lasts two to three hours depending on the number of participants. It is not a critique of Police Department operations at the incident. Performance issues will not be discussed during the debriefing.

**Defusing** - A shortened version of the debriefing, generally lasting less than one hour. A defusing is a three-phase process that should take place as soon as possible after the traumatic event (usually within eight hours). The defusing may be used to determine the need for debriefing and/or other services.

**Demobilization** - A brief informational session applied when operational units have been released from service at a major incident/disaster that requires unusually large numbers of personnel or lengthy periods of deployment. It serves a secondary function as a screening opportunity to assure that individuals who may need assistance are identified early after a traumatic event.

**Peer Assistance** - A process by which trained personnel provide emotional support and referrals for a colleague during a crisis or when they are under stress. Generally, peer assistance is sought by the employee in need, or suggested by the employee’s peer(s) or supervisor. Peer assistance does not replace the need for structured group intervention following trauma. Peer assistance or support is a necessary adjunct to professional mental health guidance and leadership in trauma support services. Peer assistance is not a replacement for the Department’s contracted Employee Assistance Program (EAP).

**Employee Assistance Program (EAP)** - The City of San Leandro’s Employee Assistance Program is a consulting/counseling service for a variety of personal issues, other than traumatic event experience in the line of duty.

**348.4 PROCEDURE**

The standard of care includes, but is not limited to the following:

(a) Pre-incident and continued traumatic stress education;

(b) Critical Incident Stress Response Team;

(c) Peer Assistance;
Critical Incident Stress Response Team

(d) Referral to professional counseling;
(e) Critical Incident Stress Debriefings and other group interventions following a traumatic event;
(f) Significant other and family support services;
(g) On-scene support services;
(h) Follow-up services after critical incident interventions;
(i) Other support services as required.

348.5 TEAM COMPOSITION
The San Leandro Police Critical Incident Stress Response (CISR) Team is comprised of personnel who have personal experience in police-related traumatic incidents and specialized training in assisting peers and their families with the immediate adverse psychological effects following a traumatic event.

(a) CISR Team Members understand that being a member is voluntary and must be prepared to answer calls for help on a 24-hour basis.
(b) One of the most important responsibilities of a CISR Team Member is the promotion of trust, anonymity, and confidentiality. Therefore, communications between a CISR Team Member and an employee being assisted is considered privileged by the Department unless criminal acts are involved; or where the employee, through words or actions, manifests that there is a clear and present danger to him/herself, citizen(s), or fellow employees.
(c) CISR Team Members have no legally-protected privilege of patient confidentiality as far as court testimony, so Team Members shall not make or maintain any notes regarding their communications.
(d) A violation of confidentiality, except as mandated, will be grounds for immediate dismissal from the Critical Incident Stress Response Team. The CISR Coordinators, the Team Liaison, the mental health professional and/or the Chief of Police will be responsible for making this determination.

348.6 INITIATION OF TRAUMA INTERVENTION
Trauma takes a variety of forms and cannot be accurately or exhaustively quantified in description. However, certain events are of such magnitude that they should be considered disruptive to nearly anyone involved. For purposes of the San Leandro Police Department response criteria, those incidents are defined as follows:

(a) Line of duty death;
(b) Serious line of duty injury;
(c) Suicide of San Leandro Police Department employee;
(d) Traumatic off-duty employee death;
(e) Disaster;
(f) Multi-casualty incidents;
Critical Incident Stress Response Team

(g) Police shootings;
(h) Incidents resulting in death or serious injury to a citizen that is proximately caused by a Police employee.

If the defusing or debriefing is for an incident described above (a - h) attendance will be required for those involved.

When such incidents occur, an automatic Trauma Response will be initiated. The Supervisor/Watch Commander will see that a CISR Team Member is notified. The mental health professional will be contacted immediately following any of the above-defined incidents. The need for group intervention or immediate peer support will be accessed and mobilized.

When making the notification, the Supervisor/Watch Commander should attempt to utilize an on-duty CISR Team Member or Coordinator. If no CISR Team Members are on-duty, there will be a notification protocol and list of CISR Team Members for call-out in New World.

Additional events that may warrant group trauma intervention and CISR Team call-out include, but are not limited to:

(a) Significant events involving children;
(b) When the victim of a serious crime or accident is a known relative of the employee;
(c) When there is excessive, negative media interest displaying the employee(s) in a disruptive way;
(d) Any significant event other than those listed above, where the Supervisor or CISR Team Member feels the employee(s) will benefit from CISD;
(e) In the unlikely event that the Supervisor and Team Member disagree as to whether or not a group trauma intervention is warranted, a CISR Coordinator and/or mental health professional will be notified and will make the determination. In any event, when an employee requests intervention, that request will be granted.

If the defusing or debriefing is for an incident described above (a - e) attendance will be voluntary.

This program is dependent upon the identification of all critical incidents, large and small, to help reduce the emotional impact and to avoid the effects of post-traumatic stress.

The CISR debriefing or defusing should include any sworn and/or civilian Police personnel directly involved in the incident. In any event, active participation in the discussion is not a requirement. Anyone not directly involved in the incident, including the Supervisor and/or Managers of the employees(s) may not attend the CISR debriefing/defusing process.

Research has shown there is a “1/3 guideline” to be considered when assessing how personnel may be affected by a traumatic event. Essentially, 1/3 of personnel will not be affected, 1/3 will be moderately affected and 1/3 will be significantly affected. Although a non-affected employee may be required to attend a mandatory CISD, the purpose is to make certain someone’s needs are not overlooked or missed. More importantly, employees are reminded the non- or moderately-
affected employee(s) may have vital information/perspective that could help a fellow employee better understand an incident and thus be able to help his/her peers.

348.7 CISR TEAM MEMBER SELECTION CRITERIA/PROCESS

(a) The team will be comprised of sworn and civilian personnel, representing a variety of employee groups in the organization.

(b) Team Members must be off probation and not the subject of any on-going disciplinary investigation/action.

(c) Due to the sensitivity of the position and their functions, additional Team Members (when deemed necessary) can be nominated by the membership of the existing team. Police personnel may also submit a memorandum to the Team Coordinators, Team Liaison, mental health professional and/or the Chief of Police expressing an interest in becoming a member of the San Leandro Police CISR Team. In addition, members of the San Leandro Police Department may nominate other personnel for addition to the team.

(d) All qualified candidates will then be selected as outlined in the Promotional and Lateral Transfer Policy.

(e) Due to the sensitivity and training involved, CISR Team Members will remain on the team indefinitely unless they violate confidentiality as outlined above in V., Section D. CISR Team Members may also submit a resignation memorandum to the Chief of Police, Team Liaison, or one of the Team Coordinators.

(f) The CISR Team Liaison will be the only management representative on the San Leandro Police CISR Team. They will not only serve as the Team Administrator, but after completion of the Basic CISM Course, may be available for CISD services for other Department managers and administrators. Except under extraordinary circumstances, the Team Liaison will not participate in CISD services for non-management employees of the San Leandro Police Department, unless requested to do so by the mental health professional. If requested, the Team Liaison may participate in CISD services for other law enforcement agencies.

348.8 TRAINING

(a) The success of the CISR Team serving our employees, and the well-being of the individual Team Members in general, are dependent on the same training criteria afforded other specialty teams such as canine and SWAT. As such, the CISR Team training will consist of the following:

1. The CISR Coordinators, with the assistance of the mental health professional, will be responsible for determining the training needs of the CISR Team, and scheduling initial and continued training;

2. The initial training shall include the approved Basic CISM Course;

3. Continuing education should take place on an ongoing basis and include intermediate and advanced CISM courses and workshops, as well as in-house training by our mental health professional and/or appropriate guest speakers/trainers.
348.9 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 10-04.
Indoor Range Facility

349.1 PURPOSE AND SCOPE
The purpose of this directive is to establish guidelines for the use of the range and identify specific rules for conduct on the range.

349.2 POLICY
The policy of this Department is that the Departmental range facility shall be used only for official, organized firearms training which is supervised by qualified rangemasters. No other usage is allowed without the express approval of the Bureau of Services Captain. The purpose of the range facility is to improve the personal skills, provide for testing and evaluation of new weapons, and for specified training purposes. At all times the safety of personnel present will be the primary concern.

349.3 RANGE FACILITY ADMITTANCE
The Departmental range facility shall be maintained in a locked condition at all times when not in actual use. No persons, except those officers designated by Bureau of Services Captain, shall possess a key capable of opening the range locks.

349.4 TRAINING
The purpose of firearms training is:

(a) To instill within the individual a deeper appreciation of the value of human life and to assure his understanding of those circumstances which must exist before deadly force is employed;

(b) To develop within the individual a strong sense of personal discipline relative to the use of weapons (i.e., fire discipline);

(c) To establish within the individual a knowledge of and respect for the potential of the weapon;

(d) To develop within each individual a high degree of proficiency in the use of weapons;

(e) To ingrain principles of firearms safety in each individual.

349.5 SAFETY
All firearms training, at any location and under any circumstances shall be conducted in a manner best calculated to assure the safety of all concerned.

Any range exercises involving San Leandro Police personnel or range facilities shall be supervised by a qualified rangemaster who shall have authority and responsibility to regulate the conduct of shooters in whatever way necessary to assure the safety of all.

Any time it becomes necessary to load or unload a firearm while inside the Public Safety Building or parking lot, a clearing barrel shall be used. When loading or unloading the firearm, the shooter will point the barrel of the firearm directly into the cylinder opening.
Indoor Range Facility

349.6 FIREARMS AND AMMUNITION
Only weapons of calibers authorized by the San Leandro Police Department may be fired in the range facility. No .223 (5.56 cal mm) or .308 (7.62 cal mm) may be fired in the San Leandro Police Department indoor range.

The Professional Standards and Training Unit shall be responsible for the acquisition and distribution of ammunition to be used for firearms training, street application and tactical incidents. All ammunition shall be of a type authorized and approved by the Chief of Police.

349.7 RANGEMASTER
An approved rangemaster is a member of the Professional Standards and Training Unit or a person approved by the Professional Standards and Training Unit Lieutenant who is authorized to supervise shooting in the range.

Rangemasters shall be responsible for the following:

(a) Rangemasters shall be responsible for the completion of a range qualification form following each course of fire. The qualification form shall be developed and distributed by the Professional Standards and Training Unit and shall include the minimum following information:
   1. Name of the person qualified;
   2. Description and serial number of the weapon fired;
   3. Number of rounds fired;
   4. Indication of pass or fail;
   5. Name of description of the course fired;
   6. Signature of the rangemaster;
   7. Date of the qualification;
   8. Acknowledgement that the officer has read the Use of Force Policy;
   9. Additional comments, if any, by the rangemaster.

(b) The qualification report form shall be forwarded to the Training Coordinator in the Professional Standards and Training Unit to be incorporated into the permanent Departmental range record.

(c) Rangemasters are responsible for reporting any unusual condition observed or any unusual occurrence (stray shots, weapon defects, range defects, etc.) to the Professional Standards and Training Unit, in writing, immediately following their discovery.

(d) Rangemasters shall assure themselves that shooters are familiar with the proper techniques and operations of their firearms.

(e) Rangemasters shall be responsible for the range facility while the range is under their supervision and to this end shall ensure that all areas of the range are left in a clean and orderly condition.
Indoor Range Facility

(f) For the purpose of uniformity and safety, rangemasters shall follow the shooting course prepared and posted by the supervisor in charge of the Range Program.

349.8 PROFESSIONAL STANDARDS AND TRAINING UNIT
The Professional Standards and Training Unit will be responsible for the following:

(a) Control of the Department's ammunition and shooting supply inventory;
(b) Distribution of ammunition and supplies to the designated range officers;
(c) Periodic inspections of the range facility;
(d) Routine maintenance and cleaning of Departmental weapons and equipment assigned to his or her charge;
(e) Maintenance of the Department's permanent range records;
(f) The reporting of firearms qualification delinquencies to the supervisor in charge of the Range Program;
(g) Other support duties as may be required to ensure the safe and efficient operation of the range facility.

349.9 RANGE INCIDENTS
Any firearms discharge which causes any injury to any person or damage to any equipment, whether Departmentally or personally owned, must be reported immediately to a supervisor.

Personal injury shall be reported and documented in accordance with standing policy regarding industrial injuries and worker's compensation procedures.

349.10 RULES OF THE RANGE
Except for special authorized outdoor firearms training, all practice and qualification courses will be conducted in the indoor range of the Public Safety Building, and the following regulations shall govern officer conduct.

(a) All shooting shall be supervised by a rangemaster.
(b) Absolutely no shooting will be done without a second person present within the range facility.
(c) Absolutely no shooting shall be done until the rangemaster has personally conducted a safety check of the shooter's weapon to assure its proper operating condition.
(d) No person shall be in the firing area, except shooters or coaches designated by the rangemaster.
(e) Joking and horseplay by persons while on the range is expressly prohibited.
(f) Hearing protectors must be worn by all persons present in the interior range during shooting.
(g) Safety glasses must be worn by all persons present in the interior range during shooting.
(h) Only Departmentally approved targets will be permitted in the range.
Indoor Range Facility

(i) No shooting shall be done at a distance closer than five (5) yards from the bullet trap area.

(j) All firearms shall be either holstered, opened and benched, or pointed down range at all times.

(k) No person, not a member of this Department, shall be present at the range during any active shooting without the express approval of the Captain of the Bureau of Services and only after completion of a waiver of liability approved by the Office of the City Attorney.

349.11 RANGEMASTER RESPONSIBILITY
It is the responsibility of each supervisor and rangemaster to ensure that officers under his or her command qualify in accordance with the Firearms Policy.

The responsibility of the rangemaster in charge of the Range Program is to ensure each officer is properly trained in the use of all firearms carried on or off duty.

349.12 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 84-05.
Subpoenas and Court Appearances

350.1 PURPOSE AND SCOPE
This policy establishes the guidelines for department members who must appear in court. It will allow the San Leandro Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

350.2 POLICY
San Leandro Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

350.3 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.

(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)).

350.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
Subpoenas and Court Appearances

(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 San Leandro Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the San Leandro Police Department.

The supervisor will then notify, via the chain of command, 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.

350.3.2 CIVIL SUBPOENA AND SUBPOENA DUCES TECUM

All attorneys, process servers, or other persons presenting civil subpoenas involving litigation against the City of San Leandro, the Police Department, or its individual members (regarding events or transactions which were perceived or investigated during the normal course of employment), shall be referred directly to the City Clerk’s Office, without acceptance of any legal documents. This same procedure will be followed for all Subpoena Duces Tecum, regardless of the party involved or the type of record sought.

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.

350.3.3 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.

350.3.4 SUBPOENAS FOR PERSONS NO LONGER EMPLOYED BY SLPD

All subpoenas received for persons no longer employed by the San Leandro Police Department shall be forwarded to the Bureau of Services Captain.

350.4 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.

350.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.
Subpoenas and Court Appearances

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.

350.6 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.

350.6.1 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.

350.7 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.

350.8 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 83-13 and 89-06.
Mutual Aid

351.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines and deployment policy for mutual aid agreements between the San Leandro Police Department and other public safety agencies. This policy and procedure applies to all members.

351.2 POLICY
The San Leandro Police Department engages in and accepts the responsibilities where mutual aid agreements express the authority to assist and provide certain law enforcement services (i.e., staffing, equipment, etc.). The establishment of agreements for law enforcement services by one agency to another agency is very important where limited resources or emergency situations warrant more equipment and/or staffing. Cooperative agreements among neighboring agencies allow for quick and efficient augmentation of resources.

351.3 MUTUAL AID DEFINED
Mutual aid is the voluntary sharing of personnel and resources when an agency cannot 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.

351.3.1 AUTHORITIES
The California Law Enforcement Mutual Aid System and Plan derives its authority from the California Emergency Services Act (Govt. Code §8850, §8569, §8615 - 8619, §8632, §8668) and the Master Mutual Aid Agreement.

351.4 MUTUAL AID PROCESS
Local - Chief of Police determines an unusual event is beyond department resources, requests mutual aid assistance from the Sheriff.

Alameda County - 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 - A Sheriff in the region, who is designated as the "Regional Mutual Aid Coordinator" fulfills the mutual aid request from other Operational Areas and their respective law enforcement resources.
**Mutual Aid**

**State** - If the law enforcement resources within the impacted region are not sufficient, the Mutual Aid Regional Coordinator may request additional mutual aid assistance from the State Mutual Aid Coordinator. Other mutual aid regions may be called upon to assist.
Alarm Ordinance Enforcement

352.1 PURPOSE AND SCOPE
The purpose of this policy is to establish procedures for the enforcement of San Leandro Municipal Ordinance 4-6-100 entitled "Public Welfare - Alarm Systems."

Alarm users are responsible for the efficient use of their alarm systems. Alarm users, whether knowingly or not, who permit false alarms to occur in violation of this ordinance are subject to fines on an escalating scale. Therefore, every alarm must be properly investigated and documented.

352.2 FIELD PERSONNEL RESPONSIBILITIES
(a) Field personnel will respond to all dispatched alarms in accordance with established procedures.
(b) Field personnel will establish the validity or falseness of every alarm and will notify Communications personnel, bearing in mind that each false alarm could eventually result in a fine.
(c) Field personnel will obtain and relay to Communications personnel the name and/or occupation of any person found at the scene of an alarm.
(d) Field personnel will notify Communications of other alarm violations (e.g., audible alarms must reset within 15 minutes; audible alarms must not emit a sound similar to an emergency siren; upon request of the Police Department, a representative must respond to the site within thirty (30) minutes, etc.).
(e) Field personnel will notify Communications of any condition which may have generated an alarm beyond the control of the alarm user (e.g., acts of nature, vehicular collisions into the building, etc.).

352.3 COMMUNICATIONS RESPONSIBILITIES
Communications personnel will determine from the responding field units if a false alarm has occurred and will observe the following procedures:
(a) Communications personnel will dispatch units and obtain information in accordance with established procedures.
(b) Communications personnel will enter all appropriate data (received from the reporting party and from field personnel) into CAD Comments for each individual alarm incident including but not limited to the name of the reporting party, the operator number or address of the reporting party, and the telephone number.
(c) Communications personnel, whether through the alarm company or by attempting a call to the premises by directly checking for business information in the CAD Premise files, will make an effort to ensure a responsible party is notified each time an alarm is activated. Every attempt at notification will be documented in CAD Comments.
Alarm Ordinance Enforcement

352.4 FALSE ALARM NOTIFICATION AND BILLING
Alarm users are allowed a minimum of two false alarms within any 90-day period without incurring false alarm penalties. False alarms in excess of the minimum will be assessed a penalty fee established by City Council resolution.

Under the direction of the Traffic Sergeant, or designee, a Police Service Technician (PST) will log all alarms and provide and maintain a history file for each individual alarm user.

(a) Upon receipt of an initial alarm, whether valid or false, a designated PST will determine if there is an alarm registration form on file and, if not, will send a form to the alarm user for return and input into the CAD Premise files. The designated PST will also prepare a Notice of First False Alarm letter to be directed to the alarm user. An alarm brochure will also be provided to familiarize the user with the alarm ordinance.

(b) Upon receipt of the second false alarm within any 90-day period, the designated PST will prepare a Notice of Second False Alarm letter to be directed to the alarm user. The letters will notify the alarm user that additional false alarms within this same period will result in penalty fees.

(c) For the third and any subsequent false alarms received within any 90-day billing cycle, the designated PST will prepare an invoice with billing information and false alarm penalty fees to be forwarded to the alarm user for payment to the Finance Department.

(d) Alarm users who wish to appeal their billing should be directed to submit a written appeal to the Traffic Sergeant within 10 days of the receipt of their bill.

1. The Traffic Sergeant, or his designee, will investigate the circumstances regarding the false alarm and respond in writing within ten (10) days to each request for appeal.

2. Each appeal shall be considered on an individual basis.

3. If an appeal is approved, fees may be either canceled or reduced.

4. The Finance Department shall be advised in writing of any cancellation or fee reduction.

352.5 VIOLATIONS OTHER THAN FALSE ALARMS
The Alarm Ordinance also contains several regulatory and technical sections. The Dispatch Supervisor assigned to the day shift shall make every effort to contact alarm users to obtain voluntary compliance whenever necessary.

352.6 RESCINDED POLICY
This policy rescinds San Leandro Operation Directive 85-09.
Online Reporting System

353.1 PURPOSE AND SCOPE
It is the policy of the San Leandro Police Department to provide Online Reporting Services to the community.

353.2 POLICY
To establish guidelines and procedures to determine when the Online Reporting System will be used.

353.3 PROCEDURE GUIDELINES
The San Leandro Police Department will respond to in-progress incidents and all crimes with evidence or information, which may lead to the identity of a suspect and his/her apprehension, or if the incident just occurred and there is a likelihood the suspect may still be in the area.

The following crimes and reports may be referred to the Online Reporting System:

(a) All petty thefts without suspect information when the property value is under $950.00 excluding firearms and materials threatening to public safety, i.e., explosives or highly toxic substances.

(b) Auto burglaries without suspect information.

(c) Attempt stolen vehicles without suspect information.

(d) Vandalism without suspect information, which is not a Hate Crime as described in the Hate Crimes policy.

(e) Annoying telephone calls without suspect information or threats of immediate bodily harm or death.

(f) Lost property reports - The total value of loss is below $50,000.00 and does not include a firearm, license plate, vehicle or motorcycle, or a passport or any type of identification.

(g) Hit and run accidents without a valid suspect, a suspect license plate or current location of the suspect vehicle.

(h) Identity Theft, except in the case where the crime has occurred in the City of San Leandro and the suspect can be located locally.

(i) Fraudulent use of a credit card without suspect information or the total authorized charges do not exceed $950.00

(j) Custody Order Violations.

(k) Supplemental reports.

353.3.1 PROFESSIONAL STAFF RESPONSIBILITIES
When communications or records personnel receive a call from a citizen wishing to report an incident, the dispatcher or records clerk will determine if the call falls within the scope of an online report. If so, the dispatcher or records clerk shall:
Online Reporting System

(a) Determine if the caller has Internet access and provide suggestions for public access to the website via the San Leandro Main Library.

(b) Inform the caller this type of incident can be reported online, which allows them to file the report immediately, as well as, print a copy of the report for free.

(c) Explain the online reporting process and the requirements of the party filing the report. Advise of the review process, and the potential for further investigation should suspects leads be developed.

(d) Advise the caller of the San Leandro Police Department website address: www.sanleandro.org and the link titled, “File a Police Report.”

(e) Should the caller request a police response, or would like the report taken over the phone, an officer will be dispatched based on priority or the caller will be transferred to the records division for assistance. At no time will a caller be told they must complete their report online.

353.3.2 FIELD PERSONNEL RESPONSIBILITIES

Field personnel dispatched to a call for service shall prepare an I/P report when appropriate. When contacted by field personnel, citizens shall not be referred to the Online Reporting System except when it is appropriate for the citizen to complete a future supplemental report through the Online Reporting System.

353.3.3 APPROVING OFFICER RESPONSIBILITIES

(a) The approving officer will review the reports and import the approved report from the Online Reporting System queue in a timely manner. Instructions for reviewing reports will be kept in the Sergeants office. If the citizen report is misclassified, such as vandalism, instead of an auto burglary, the approving officer will classify the report according to the elements of the offense described by the citizen author.

(b) The approving officer will refrain from making grammatical corrections to citizens’ reports, unless they are minor in nature, such as “California” spelled as “Calefournia,” etc. If the approving officer determines the report was misclassified, it may be modified to fit the most appropriate section.

(c) If there is a question as to the reports contents, the approving officer should attempt to contact the citizen by telephone prior to rejecting the report and make the correction to the Online Report.

(d) If the officer rejects a report, the reason for the rejection will be appropriately and professionally noted in the rejection box, which is sent via e-mail to the citizen and a duplicate to the department storage mailbox.

(e) The approving officer shall request a patrol response when, in the reasonable judgment of the officer, circumstances indicate and investigation is warranted. In this circumstance, a rejection should be sent to the citizen and the officer will state in the rejection box that an officer will be assigned to respond in person.
Online Reporting System

(f) If items such as stolen property or lost serialized property need to be entered into CLETS, once a report has been approved, the report shall be printed and forwarded to the Records division to ensure the completion of the CLETS entries.

(g) After the report has been approved and merged, check RMS for verification that the crime codes match the report classification and all information has been uploaded properly.

353.4 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 11-02.
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 line-ups and to attend line-ups 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.

400.2.1 CRIME ANALYST
The Crime Analyst will be the central person for information exchange. The analyst can then disseminate information and intelligence reports and/or bulletins within the Department and to other law enforcement agencies.

400.2.2 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate division(s) for retention or follow-up investigation.

400.2.3 PATROL LINE-UPS
Patrol supervisors, detectives, and special unit officers are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Line-ups as time permits.

400.2.4 BULLETIN BOARDS
A bulletin board will be kept in the Line-up room and the Criminal Investigations Division for display of suspect information, intelligence reports and photographs.

400.3 WATCH RELIEF
(a) Patrol beat officers shall stay on their beats until ten minutes prior to the end of shift.
(b) Officers arriving at headquarters shall keep the radio in operation for the purpose of receiving emergency dispatching. An officer awaiting relief at headquarters shall respond to any priority radio call dispatched.

400.4 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
Patrol Function

monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.5 RESCINDED POLICY

400.6 POLICY
The San Leandro 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.

400.7 FUNCTION
Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of San Leandro. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.
(b) Apprehending criminal offenders.
(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
(e) Responding to reports of criminal and non-criminal acts.
(f) Responding to routine calls for service, such as public assistance or public safety.
Patrol Function

(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.
Briefing Training

401.1 PURPOSE AND SCOPE
Line-up training is generally conducted at the beginning of the officer’s assigned shift. Line-up provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Line-up; however officers may conduct Line-up for training purposes with supervisor approval.

Line-up 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 Department Policies or Department Training Bulletins or changes in Department Policies;

(d) Reviewing recent incidents for training purposes;

(e) Providing training on a variety of subjects.

401.2 PREPARATION OF MATERIALS
The supervisor conducting Line-up 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.

401.3 RETENTION OF LINE-UP TRAINING RECORDS
Line-up training materials, curriculum or summary of the training, and training validation forms, shall be forwarded to the Professional Standards and Training Unit for inclusion in training records, as appropriate.
Bias-Based Policing

402.1 PURPOSE AND SCOPE
This policy provides guidance to department members and establishes appropriate controls to ensure that members of the San Leandro Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS
Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

402.2 POLICY
The San Leandro 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 and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Professional Standards and Training Unit Lieutenant, or authorized designee, shall ensure that all data required by the Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

402.4 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.
Bias-Based Policing

402.4.1 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.

(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.

402.5 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.

402.5.1 REASON FOR DETENTION
Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual’s membership in a protected class.

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 officer’s reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5.2 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 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 San Leandro Police Department is the primary agency, the San Leandro 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).
Bias-Based Policing

402.6 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 racial- or bias-based profiling.

402.7 ADMINISTRATION
Each year, the Operations Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.8 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards and Training Unit.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved 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)).
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 San Leandro 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
Crime and Disaster Scene Integrity

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).
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 San Leandro Police Department Ride-Along Program is offered to residents, San Leandro business owners, students, police department applicants and those employed within the City. Every attempt will be made to accommodate interested persons, however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY
The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Bureau Captain, or Watch Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the swing-shift Sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The swing-shift Sergeant will schedule a date, based on availability, at least one week after the date of request.

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, the civilian ride-along will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, police volunteers, Chaplains, police department applicants, and all others with approval of the Watch Commander.
Ride-Along Policy

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. 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 San Leandro Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

405.3 OFFICER’S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The swing-shift Sergeant Watch Commander is responsible for maintaining and scheduling ride-alongs.

405.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer;

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment;
Ride-Along Policy

(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.

405.5 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-13.
Hazardous Material Response

406.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED
A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver’s manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) 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 § 25354.5).

406.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented in accordance with the Department’s injury reporting procedure that shall be forwarded via chain of command to the Bureau of Services Captain. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.
Hazardous Material Response

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITY
When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Professional Standards and Training Unit.
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 San Leandro 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.

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.

When available, department-authorized negotiators and/or Crisis Intervention Trained (CIT) member(s) 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.

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,
Hostage and Barricade Incidents

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.

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 evaluating if specialized personnel and trained negotiators are needed. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Stage medical and ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so.

(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.
Hostage and Barricade Incidents

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support, rescue vehicle, medical).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured 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.

(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) Stage medical and ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so.

(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/rescue 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, rescue vehicle, medical).

(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.
Hostage and Barricade Incidents

(h) Try to develop a plan for pursuit avoidance when possible.

(i) Coordinate pursuit or surveillance vehicles and control of travel routes.

(j) Attempt or 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.

(k) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(l) 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.

(m) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

(n) 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 Tactical Operations (Tac Ops) response if appropriate and apprising the Tac Ops 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 negotiators, CIT officers, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application...
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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 Criminal Investigations Lieutenant 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.

(l) If necessary, utilize the department's community notification system to shelter in place.

407.6 TAC OPS RESPONSIBILITIES

The Incident Commander will decide, with input from the Tac Ops Commander, whether to deploy the Tac Ops during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Tac Ops Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the Tac Ops. The Incident Commander and the Tac Ops Commander or the authorized designee shall maintain communications at all times.

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the primary 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 San Leandro 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 San Leandro 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 SAN LEANDRO POLICE DEPARTMENT FACILITY
If the bomb threat is against the San Leandro 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 San Leandro 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.
Response to Bomb Calls

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 San Leandro, 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.
Response to Bomb Calls

(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

(d) The Alameda County Sheriff's Explosive Ordnance Disposal Squad (EOD) or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

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)
- Other government agencies, as appropriate
Response to Bomb Calls

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.

408.8 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-11.
Aircraft Accidents

410.1 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.

410.1.1 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.

410.2 POLICY
It is the policy of the San Leandro Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

410.3 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).

410.4 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-29.

410.5 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.
**Aircraft Accidents**

### 410.6 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:

- Fire department
- Appropriate airport tower
- Emergency medical services (EMS)

### 410.7 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- FAA.
- Fire department, EMS or other assisting law enforcement agencies.
- Coroner.
- Air Carrier/Operators investigative teams with NTSB approval.
- Appropriate branch of the military, when applicable.
- 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.

### 410.8 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
Aircraft Accidents

(d) Evacuation chutes, ballistic parachute systems and composite materials.

410.9 DOCUMENTATION
All aircraft accidents occurring within the City of San Leandro 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 SLPD 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.

410.9.1 WRECKAGE
When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.
(b) Attempt to ascertain the number of casualties.
(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

410.9.2 WITNESSES
Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.
(b) A detailed description of what was observed or heard.
(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(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.

410.10 MEDIA RELATIONS
The Criminal Investigations Lieutenant (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.
Aircraft Accidents

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.
Mental Illness Commitments

411.1 PURPOSE AND SCOPE
This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

411.2 POLICY
It is the policy of the San Leandro Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

411.3 AUTHORITY
An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person’s mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person
(b) A family member
(c) The person subject to the determination or anyone designated by the person

411.3.1 VOLUNTARY EVALUATION
If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Have the person transported 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.

411.4 CONSIDERATIONS AND RESPONSIBILITIES
Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person’s action or stated intentions.
Mental Illness Commitments

(b) Community or neighborhood mediation services.
(c) Conflict resolution and de-escalation techniques.
(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

411.4.1 SECURING OF PROPERTY
When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

If necessary, the officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

411.5 TRANSPORTATION
Individuals being taken into custody for a 5150 commitment shall be transported by an Alameda County approved transport vehicle. If this is not possible, an officer, with supervisor approval, may do the transport. The officer shall secure the individual in their patrol unit in accordance with the Handcuffing and Restraints policy.

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.

411.6 DOCUMENTATION AND TRANSFER
The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the transporting personnel and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).
Mental Illness Commitments

The officer should also provide a verbal summary to any transporting personnel evaluating staff member regarding the circumstances leading to the involuntary detention.

Officers may assist with securing the individual with the medical restraints, if requested.

411.6.1 ADVISEMENT
The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer’s name and agency.
(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
(c) The name of the facility to which the person is being taken.
(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

411.7 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, with the mental health facility, the individual’s transfer to jail.
(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor’s judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.
**Mental Illness Commitments**

### 411.8 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

#### 411.8.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Criminal Investigations Division, which shall work with the City Attorney's office, and be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

### 411.9 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.
Cite and Release Policy

412.1 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.

412.2 POLICY
It is the policy of the San Leandro 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.

412.2.1 DEFINITIONS
Physical arrest - the taking of a person into custody and transporting him/her to the jail for booking.

Arrest - the taking of a person into custody, either by actual restraint of the person or by his/her submission to detention, but where physical arrest and jail booking does not follow.

Citation - this shall mean the issuing of a Departmental "Notice to Appear" form, which may be used to release a misdemeanant from custody. A citation may be issued only after an arrest has been made. Citations are issued in the field or in the jail.

412.3 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.

412.3.1 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.
Cite and Release Policy

412.3.2 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.

412.4 NON-RELEASE

412.4.1 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)

412.4.2 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.
Cite and Release Policy

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.

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:

1. Previous failure to appear is on record
2. The person lacks ties to the area, such as a residence, job, or family
3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation

(j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.

(k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Unit.

412.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to the Patrol Sergeant or Watch Commander approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence;

(b) The misdemeanor cited in the warrant involves a firearm;

(c) The misdemeanor cited in the warrant involves resisting arrest;

(d) The misdemeanor cited in the warrant involves giving false information to a peace officer;

(e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics;

(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety;
Cite and Release Policy

(g) The person has other ineligible charges pending against him/her;
(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person;
(i) The person refuses to sign the notice to appear;
(j) The person cannot provide satisfactory evidence of personal identification;
(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

412.6 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 San Leandro City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Criminal Investigations Division for further action including diversion.

412.7 IN-CUSTODY SHOPLIFTER
When Communications receives a call of a shoplifter in custody, they shall check to see if the arrestee is active to Probation, Parole, or on Post-Release Community Supervision (PRCS). If any of these situations exists, the shoplifter will not be eligible for a citation release, an officer will be dispatched, and the arrestee should be transported to jail.

If the in-custody shoplifter is not active to Probation, Parole, or on PRSC, an officer will be dispatched to the scene. The officer will then use his/her discretion on whether to issue a field citation or transport the shoplifter to jail.

Communications will no longer routinely run an in-custody shoplifter for 666 PC status. An officer can request a 666 PC check if needed for a specific reason.

412.7.1 SHOPLIFTER RELEASE PROGRAM
This program allows selected retail locations to complete reports over the Internet. This program allows suspects who meet the criteria to be processed and released at the scene by loss prevention and/or store security without having an officer respond. These online reports will be submitted to the District Attorney's Office for a criminal complaint, after internal review.

When Communications receives a call from a business participating in this release program, the dispatcher shall run the in-custody shoplifter to determine if that person is eligible for the cite release program.
Cite and Release Policy

412.8 RESCINDED POLICY
This policy rescinds San Leandro Directives 83-04, 87-16, and 88-06.
Mobile Data Terminal Use

413.1 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. Proper use of the MDT is required 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.

413.2 POLICY
San Leandro Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations. Members shall use the MDT in a professional manner, in accordance with this policy.

413.3 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.

413.3.1 USE WHILE DRIVING
Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.
Mobile Data Terminal Use

413.4 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

413.5 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.

413.5.1 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.

413.6 EQUIPMENT CONSIDERATIONS

413.6.1 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, the vehicle shall be written up for repair using the established procedures. Officers shall notify the Communications Center when driving a vehicle without a functioning MDT and it shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

413.6.2 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.

413.7 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 02-02.
Foreign Diplomatic and Consular Representatives

414.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the San Leandro Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

414.2 POLICY
The San Leandro 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.

414.3 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.

414.4 ENFORCEMENT
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:
Foreign Diplomatic and Consular Representatives

(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.

414.5 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.

414.6 DIPLOMATIC IMMUNITY TABLE
Reference table on diplomatic immunity:
## Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note (a))</td>
<td>Yes (note (d))</td>
<td>Yes</td>
<td>No for official acts. Testimony may not be compelled in any case</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise.</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise.</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Int’l Org Staff (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No for official acts. Yes otherwise (note (c))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Diplomatic-Level Staff of Missions to Int’l Org</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Support Staff of Missions to Int’l Orgs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>

Notes for diplomatic immunity table:
Foreign Diplomatic and Consular Representatives

(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

415.1 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.

415.2 POLICY
The San Leandro 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.

415.3 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 possible, 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.
Rapid Response and Deployment

(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 (Tactical Operations Team response).

415.4 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.

415.5 PLANNING
The Bureau of Operations Captain, or designee, should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

415.6 TRAINING
The Professional Standards and Training Unit should include rapid response to critical incidents in the training plan. This training should address:
Rapid Response and Deployment

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
   1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).
Reporting Police Activity Outside of Jurisdiction

416.1 PURPOSE AND SCOPE
This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the San Leandro Police Department.

416.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY
When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practical.

416.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY
Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the San Leandro shall notify his or her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.
Bicycle Patrol Unit

417.1 PURPOSE AND SCOPE
The San Leandro Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

417.2 POLICY
Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

417.3 BICYCLE PATROL UNIT SUPERVISOR
The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.
(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
(c) Scheduling maintenance and repairs.
(d) Evaluating performance of bicycle officers.
(e) Coordinating activities with the Operations Bureau.
(f) Other activities as required to maintain the efficient operations of the Bicycle Patrol Unit.

417.4 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.
**Bicycle Patrol Unit**

**417.5 TRAINING**
Participants in the program must complete an initial POST approved bicycle-training course after acceptance into the program.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

**417.6 UNIFORMS AND EQUIPMENT**
Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a jacket in colder weather.

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.

For uniform specifications, refer to the Uniform and Equipment Specifications for Sworn Personnel in the Procedures Manual.

**417.7 CARE AND USE OF PATROL BICYCLES**
Officers will be assigned a specially marked and equipped patrol bicycle and attached gear bag.

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 security lock.

Each bicycle should be equipped with a steady red light, and a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
Bicycle Patrol Unit

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 should have yearly maintenance 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.

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.

When practical, bicycles shall be properly secured when not in the officer’s immediate presence.
Automated License Plate Readers (ALPRs)

418.1 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.

418.2 POLICY
The policy of the San Leandro 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.

In accordance with a Memorandum of Understanding (MOU) between the San Leandro Police Department and the Northern California Regional Intelligence Center (NCRIC), the Department shall work in cooperation and coordination with NCRIC in providing a standardized approach and method of collecting and sharing ALPR systems' data.

418.3 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the San Leandro 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 Bureau of Services Captain, or his/her designee. The Bureau of Services Captain, or his/her designee, will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

418.3.1 ALPR ADMINISTRATOR
The Bureau of Services Captain, or his/her designee, shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
Automated License Plate Readers (ALPRs)

(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.

418.4 OPERATIONS
Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

418.4.1 AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA
Sworn peace officers with a need and right to know may utilize ALPR technology for the following reasons, but are not limited to:

(a) Locate stolen, wanted, and subject of investigation vehicles.

(b) Locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement.

(c) Locate witnesses and victims of violent crime.

(d) Locate missing children and elderly individuals, including responding to Amber and Silver Alerts.
Automated License Plate Readers (ALPRs)

(e) Support local, state, federal and tribal public safety departments in the identification of vehicles associated with targets of criminal investigations, including investigations of serial crimes.

(f) Protect participants at local events.

(g) Protect critical infrastructure sites.

418.5 ALPR DATA COLLECTION AND RETENTION
The City of San Leandro Information Technology division is responsible for ensuring the collection of ALPR data is transferred from department vehicles to the Northern California Regional Intelligence Center (NCRIC) server on an automatic basis, transferring immediately upon utilization of the system.

All data and images gathered by an ALPR are for the official use only, and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this NCRIC may be used and shared with prosecutors or others only as permitted by law.

All ALPR data downloaded to the NCRIC server shall be stored for one year (Government Code § 34090.6) and thereafter will be purged on the 366th day 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 lawful action to produce records. In those circumstances the applicable data should be downloaded from the NCRIC server onto portable media and booked into evidence.

418.6 ACCOUNTABILITY
All data will be closely safeguarded and protected by both procedural and technological means by NCRIC. The San Leandro 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 by the ALPR Administrator on a quarterly basis.

(d) The ALPR Administrator shall report any errors to NCRIC for correction.

418.7 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:
Automated License Plate Readers (ALPRs)

(a) The agency makes a written request for the ALPR data that includes:
   1. The name of the agency.
   2. The name of the person requesting.
   3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Bureau of Services Captain 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).

418.8 TRAINING
The Professional Standards and Training Unit 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). This training shall be consistent with the training outlined in the NCRIC ALPR Policy.

418.9 NCRIC ALPR POLICY
NCRIC ALPR Policy
Immigration Violations

419.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the San Leandro Police Department relating to immigration and interacting with federal immigration officials.

419.1.1 DEFINITIONS
The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

419.2 POLICY
It is the policy of the San Leandro 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.

419.3 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.

419.4 IMMIGRATION INQUIRIES PROHIBITED
Officers shall not inquire into an individual’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

419.4.1 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).
**Immigration Violations**

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).

419.4.2 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).

419.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

419.5.1 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.

419.6 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.).
419.7 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.

419.7.1 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.

419.7.2 NOTICE TO INDIVIDUALS
Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the San Leandro Police Department intends to comply with the request (Government Code § 7283.1).

If the San Leandro Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).
419.7.3 ICE INTERVIEWS
Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the San Leandro Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

419.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES
Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
(c) The individual is a current registrant on the California Sex and Arson Registry.
(d) The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

419.7.5 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 Support Services Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Unit Policy).

419.7.6 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.

419.8 U VISA AND T VISA NONIMMIGRANT STATUS
Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).
Immigration Violations

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to oversee the handling of any related case. The Criminal Investigations Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
   1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
   2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

419.8.1 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 (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

419.8.2 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).

419.8.3 REPORTING TO LEGISLATURE

The Criminal Investigations Division supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the
Immigration Violations

...number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

419.9 TRAINING

The Professional Standards and Training Lieutenant should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
Field Training Officer Program

421.1 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 San Leandro 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.

421.2 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.

421.2.1 SELECTION PROCESS
FTOs will be selected based on the following requirements:
(a) Desire to be an FTO;
(b) An officer who is off probation;
(c) Demonstrated ability as a positive role model;
(d) Participate and pass an internal oral interview selection process;
(e) Evaluation by supervisors;
(f) Possess a POST Basic certificate.

421.2.2 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.

421.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR
The FTO Program supervisor shall be selected from the rank of sergeant by the Bureau of Operations Captain, 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;
Field Training Officer Program

(b) Conduct FTO meetings;
(c) Maintain and ensure FTO/trainee performance evaluations are completed;
(d) Maintain, update and issue the Field Training Manual to each trainee;
(e) Monitor individual FTO performance;
(f) Monitor overall FTO Program;
(g) Maintain liaison with FTO coordinators of other agencies;
(h) Maintain liaison with academy staff on recruit performance during the academy;
(i) Develop ongoing training for FTOs.

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator’s Course within one year of appointment to this position (11 CCR 1004(c)).

421.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the San Leandro Police Department who has successfully completed a POST approved Basic Academy.

421.5 REQUIRED TRAINING
Entry level officers shall be scheduled and required to successfully complete the Field Training Program consisting of a minimum of 16 weeks. With the approval of the Chief of Police, entry level officers may be released as early as 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee’s demonstrated performance and level of experience, but shall consist of a minimum of 10 weeks. With the approval of the Chief of Police, a lateral who is exempt from the Field Training Program as provided in 11 CCR(a)(B), may be released sooner.

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.

421.5.1 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 San Leandro 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 San Leandro Police Department.

421.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.
Field Training Officer Program

421.6.1 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 Supervisor 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.

421.6.2 FTO SUPERVISOR
The FTO Supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator in a semi-monthly report (SMR).

421.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

421.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

421.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer’s training files in accordance with the City’s record retention schedule, 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

422.1 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.

422.2 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.

422.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander, or his/her designee, on duty will apprise that agency of the specific details of the incident prompting the request.

422.2.2 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

423.1 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.

423.1.1 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, footage captured by Unmanned Ariel Vehicles, 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.

423.2 POLICY
The San Leandro 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.
423.3 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 San Leandro Police Department to strengthen community involvement, community awareness, and problem identification.

423.3.1 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

423.4 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.
Contacts and Temporary Detentions

(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.

423.5 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.

423.5.1 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.

423.5.2 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.

423.5.3 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.
Contacts and Temporary Detentions

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.

423.5.4 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.

423.6 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 San Leandro 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.
Criminal Organizations

424.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the San Leandro Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

424.1.1 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.

424.2 POLICY
The San Leandro 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.

424.3 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.

424.3.1 SYSTEM ENTRIES
It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with
the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Support Services Manager may not purge such documents without the approval of the designated supervisor.

424.3.2 GANG DATABASES
The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor’s responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General’s office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department’s decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.
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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

424.4 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.

424.4.1 FILE CONTENTS
A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Unit, but should be copies of, or references to, retained documents such as copies of reports, FI forms, 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.

424.4.2 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.

424.5 INFORMATION RECOGNITION
Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.
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(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 Professional Standards and Training Lieutenant to train members to identify information that may be particularly relevant for inclusion.

424.6 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.

424.7 CRIMINAL STREET GANGS

The Criminal Investigations Division 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.
Criminal Organizations

424.8 TRAINING
The Professional Standards and Training Unit 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.

424.8.1 SHARED GANG DATABASE TRAINING
The Professional Standards and Training Lieutenant 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).

424.9 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 92-01.
Watch Commanders

425.1 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 Lieutenant heads each watch.

425.2 DESIGNATION AS ACTING WATCH COMMANDER
When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.
Portable Audio/Video Recorders

426.1 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 audio/video recordings of interviews or interrogations conducted at any San Leandro Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

426.2 DEFINITIONS
PERSONNEL - Any uniformed (Class "B" and "C", which includes the bicycle uniform) personnel employed with the San Leandro Police Department.
ROUTINE - During the course of one’s duties.

PVRS DEVICE - The Portable Video Recording System is an on-body video camera

426.3 POLICY
All personnel shall utilize their assigned PVRS in accordance with this policy. Unauthorized use, duplication, and/or distribution of PVRS files are prohibited. Personnel shall not make copies of any PVRS files for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to record PVRS files. All recording media, images and audio are property of the San Leandro Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

Members shall not record non-business related activity. The use of the PVRS is prohibited in a restroom unless there is a business-related purpose.

Only trained personnel shall operate PVRS equipment.

All personnel who are assigned a PVRS shall wear the device during any regular shift, any overtime shift and when the Chief of Police or their designee deem it appropriate to wear. Personnel will use only the PVRS issued by the Department. The wearing of any other personal video recorder is not authorized.

Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the PVRS.

There are many situations where the use of the PVRS is appropriate. This policy is not intended to describe every possible circumstance where the use, or nonuse, of the PVRS is appropriate. Personnel may activate the system anytime they feel its use would be appropriate and/or valuable to document an incident. Unless it is unsafe or impractical to do so, personnel shall make a reasonable effort to activate their PVRS cameras prior to making contact in any of the following incidents:

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Portable Audio/Video Recorders

(a) Enforcement encounters where there is a reasonable suspicion the person is involved in criminal activity. This include, but is not limited to, dispatched calls as well as self-initiated activities.

(b) Probation or parole search.

(c) Service of search or arrest warrant.

(d) K-9 deployments, (e.g., cover officers, perimeter officers, etc.)

(e) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Personnel may activate the PVRS before or during any other incident at their discretion. During the activation, the recording should not be intentionally terminated until the conclusion of the encounter.

Personnel shall not activate the PVRS recording functions in any of the following incidents:

(a) To record any personal conversation of/or between another department member and employee.

(b) Personnel taking a report or conducting a preliminary investigation who reasonably believe no criteria for activation is present.

(c) Personnel meeting with any confidential informants.

Sworn personnel are not required to obtain consent from a private person when:

(a) In a public place.

(b) In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where personnel are lawfully present and engaged in the performance of official duties).

Sworn personnel are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.

SWAT personnel who are issued a PVRS and are engaged in an active SWAT entry, shall defer to the SWAT supervisor or incident commander for direction on the activation of the PVRS.

CID personnel who are issued a PVRS and who are preparing to engage in a probation or parole arrest or search warrant entry shall wear the PVRS on their outer vest carrier. They shall make a reasonable effort to activate their PVRS cameras prior to making such entry and should continue recording until the situation becomes static. CID Personnel shall also make a reasonable effort to activate their PVRS when they deem it necessary during the course of any investigation.

426.4 RESPONSIBILITIES

The System Administrator is designated by the Chief of Police and has oversight responsibilities to include, but not limited to, the following:

(a) Operation and user administration of the system
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(b) System evaluation
(c) Training
(d) Policy and procedure review and evaluation
(e) Coordination with IT regarding system related issues.
(f) Ensure PVRS files of evidentiary value are secured and maintained conditional upon adjudication of the case. Ensure all other routine files (routine files are any files that are not assigned a report number) are secured and maintained for one year.
(g) Ensure PVRS files are reviewed and released in accordance with federal, state and local statutes and the City of San Leandro/San Leandro Police Department retention policy.

Supervisors and managers will ensure personnel utilize the PVRS according to policy guidelines and may conduct periodic audits of recordings to:

(a) Ensure adherence to policy
(b) Assess performance

Any audits will be conducted in a fair and impartial manner.

PVRS recordings may also be utilized for training purposes.

Personnel utilizing the PVRS are responsible for the following:

(a) Ensuring the battery is fully charged and operating property.
(b) Immediately report unresolved equipment malfunctions/problems to their supervisors.
(c) Documenting the use of the PVRS on one of the following:
   1. On the police report/CAD
   2. As a notation on a citation
   3. On a field contact card
(d) Once the video is captured, officers should identify the PVRS files by:
   1. Noting the San Leandro Police Department case number in the Case ID Field, when assigned.
   2. Identifying the file title with sufficient information such as, crime code, suspect name, location, event, etc.

Officers will have the ability to audit any of their videos at their discretion. Officers may contact the System Administrator if they feel videos were viewed against policy.

The POA President or his/her designee may review the audit log with reasonable notice through the Office of the Chief of Police to ensure the audits are conducted fairly. At no time will the audit log be duplicated or distributed.
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### 426.5 OPERATION

Anytime that an officer records any portion of a contact which the officer reasonably believes constitutes evidence in a criminal case; the officer shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

(a) The officer shall further note in any related report that the recording has been placed into evidence.

(b) Recorded media placed into evidence shall be retained through the final disposition of their related criminal case.

### 426.5.1 NON-CRIMINAL MATTER

Anytime an officer reasonably believes that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the officer may book the recording media into safekeeping or download the file in accordance with current procedure for storing digital files.

Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as practical. Any Recording media which has been placed into safekeeping shall be retained according to the published Records Retention Schedule or until the related matter has been closed (e.g. internal investigation, civil litigation).

### 426.6 REVIEW OF RECORDED MEDIA FILES

Although the data captured by the PVRS 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. Employees authorized under this policy may review a video according to the provisions of this policy.

Once uploaded to the server, personnel may review their own audio/video data at a department desktop computer and documenting the reason for access in the "Notes" section prior to viewing any data. Access is automatically time/date stamped and records each access by name.

An employee may review PVRS files as it relates to their involvement in:

(a) An incident for the purpose of completing a criminal investigation and preparing official reports.

(b) Prior to courtroom testimony or for courtroom presentations.

(c) In the event of a critical incident.

All PVRS recordings shall be uploaded to the server as soon as practical.

During a critical incident, the initial interview of an involved officer should occur before the officer has reviewed any audio/video recordings of the incident. An involved officer will have the opportunity to review recordings after the initial statement has been taken. Should the investigators decide not to allow the officer(s) to view the recordings prior to the initial interview; the involved officer(s) attorney(s) may have the opportunity to review the recordings prior to the initial interview.
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Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by the involved officer(s). If the investigator shows any audio/video recordings to an involved officer after the initial interview, the investigator has the discretion to admonish an involved officer about the limitations of audio/video recordings.

The following is an example of an appropriate admonishment in a case involving video evidence:

"In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video has a limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera’s ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident."

Investigators may ask an involved officer to view the incident scene during a "walkthrough." The Investigator will determine the timing of the "walkthrough", however, it should not occur prior to the initial statement of an involved officer. Only one involved officer at a time will be permitted to do a "walkthrough" of a scene.

PVRS recordings may be reviewed for training purposes.

Personnel may view all video that they are recorded in, either visually or audibly. Additionally, personnel may view other personnel's video, when they were not seen or heard in the video if they have a similar perspective or were in close proximity of the functioning PVRS's.

Personnel with investigatory responsibilities may review PVRS files under the provision of this policy for the purpose of conducting official departmental business.

426.7 PVRS FILE REQUESTS

Departmental requests, to include requests from the District Attorney's Office or City Attorney's Office, shall be in writing and contain sufficient information to assist in locating the PVRS file. Such requests shall be forwarded, via email, to the system administrator.

Non-Departmental requests:

(a) All non-departmental requests for a PVRS file shall be accepted and processed in accordance with federal, state and local statutes and departmental policy (court cases, subpoenas, public records act, etc.) as set forth in the Records Maintenance and Release Policy.

(b) Media inquiries and/or requests shall be received and processed in accordance with current policy.

(c) When practical, personnel will be advised, prior to any release, of video under the CPRA (California Public Records Act) and the guidelines consistent with the Department's Operations Directive.

In the event of an accidental activation of the PVRS, the recording employee may request that the PVRS file be deleted. The recording employee shall submit an e-mail request, with sufficient
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information to locate the PVRS file, to the Bureau of Operations Captain. The Bureau of Operations Captain shall review the file and approve or deny the request. If the request is approved it shall be forward to the System Administrator for action.

Copying procedures require a PVRS file be requested in accordance with the provisions of the order by submitting a written request, to include the reason for the request, to the System Administrator.

When necessary, investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access/public disclosure of the associated PVRS files.

A PVRS file may be utilized as a training tool for individuals, specific units, and the department as a whole. A person recommending utilization of a PVRS file for training purposes shall submit the recommendation through the chain of command to the Bureau of Operations Captain or designee. If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to staff to determine if the employee’s objections outweigh the training value. The Bureau of Operations Captain or designee shall review the recommendation and determine how best to utilize the PVRS file considering:

(a) The identity of the person(s) involved;
(b) The sensitivity of the incident and;
(c) The benefit of utilizing the file versus other means (e.g., General Order, Training Bulletin, Officer Safety Bulletin, briefing or other training).

426.8 REPAIR PROCEDURE
Personnel should immediately report any problems with the PVRS to their immediate supervisor.

Upon notification, the supervisor shall contact the System Administrator or designee stating the problem or malfunction.
Public Recording of Law Enforcement Activity

427.1 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.

427.2 POLICY
The San Leandro 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.

427.3 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.

427.4 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
Public Recording of Law Enforcement Activity

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.

427.5 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.

427.6 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.
Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.
Medical Marijuana

428.1 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.

428.1.1 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).
428.2 POLICY
It is the policy of the San Leandro 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 San Leandro Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

428.3 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.

428.3.1 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.

428.3.2 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.
Medical Marijuana

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.

428.3.3 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).

428.3.4 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).

428.3.5 EXCEPTIONS
This policy does not apply to, and officers should consider taking enforcement action for the following:
Medical Marijuana

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):
   1. In any place where smoking is prohibited by law.
   2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
   3. On a school bus.
   4. While in a motor vehicle that is being operated.
   5. While operating a boat.

(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

428.3.6 ADDITIONAL CONSIDERATIONS
Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
   1. The suspect has been identified and can be easily located at a later time.
   2. The case would benefit from review by a person with expertise in medical marijuana investigations.
   3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
   4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient’s needs:
   1. The amount of marijuana recommended by a medical professional to be ingested.
   2. The quality of the marijuana.
   3. The method of ingestion (e.g., smoking, eating, nebulizer).
Medical Marijuana

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.

428.4 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.

428.5 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 Criminal Investigations Division supervisor.
Homeless Persons

430.1 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 San Leandro Police Department recognizes that members of the homeless community are often in need of special protection and services. The San Leandro 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.

430.1.1 POLICY
It is the policy of the San Leandro 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.

430.2 HOMELESS COMMUNITY LIAISON
The Bicycle Officers have been designated as the Homeless Liaison Officers. The responsibilities of the Homeless Liaison Officers 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.
430.3 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.

430.3.1 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.

430.4 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
Homeless Persons

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.

430.5 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.

430.6 ECOLOGICAL ISSUES
Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.
First Amendment Assemblies

431.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY
The San Leandro 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.
First Amendment Assemblies

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.
First Amendment Assemblies

- 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.
First Amendment Assemblies

(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 Mutual Aid 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 TASER® 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).
First Amendment Assemblies

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 San Leandro 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 Criminal Investigations Lieutenant 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).
First Amendment Assemblies

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.

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 to defend against a threat to life or serious bodily injury to any individual, including an officer, or to
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bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

431.13.1 USE SUMMARY
The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.
Civil Disputes

432.1 PURPOSE AND SCOPE
This policy provides members of the San Leandro 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 San Leandro 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 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.
Civil Disputes

432.5 COURT ORDERS
Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.
(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

432.5.1 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.

432.6 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.
Suspicious Activity or Circumstance Reporting

433.1 PURPOSE AND SCOPE
This policy provides guidelines for reporting and investigating suspicious and criminal activity.

433.1.1 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. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., “dry run,” creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

433.2 POLICY
The San Leandro 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.

433.3 RESPONSIBILITIES
The Criminal Investigations Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Criminal Investigations Division 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.
Suspicious Activity or Circumstance Reporting

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

433.4 REPORTING AND INVESTIGATION
Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any professional staff member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

433.5 HANDLING INFORMATION
The Records Unit will forward copies of SARs, in a timely manner, to the following:

- Criminal Investigations Division
- Crime Analysis Unit
- Other authorized designees
Medical Aid and Response

434.1 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.

434.2 POLICY
It is the policy of the San Leandro Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

434.3 FIRST RESPONDING MEMBER RESPONSIBILITIES
Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.
(b) The nature of the incident.
(c) Any known scene hazards.
(d) Information on the person in need of EMS, such as:
   1. Signs and symptoms as observed by the member.
   2. Changes in apparent condition.
   3. Number of patients, sex, and age, if known.
   4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
   5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.
Medical Aid and Response

434.4 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.

434.5 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.

434.6 MEDICAL ATTENTION RELATED TO USE OF FORCE
Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

434.7 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.
Medical Aid and Response

The Operations Division Commander 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.

434.8 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).

434.8.1 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 Professional Standards and Training Lieutenant 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.
Medical Aid and Response

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

434.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

434.8.3 AED TRAINING AND MAINTENANCE
The Professional Standards and Training Unit 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 Professional Standards and Training Unit 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).

434.9 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 84-02.

434.10 SICK OR INJURED ARRESTEE
If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

434.11 FIRST AID TRAINING
The Professional Standards and Training Lieutenant 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).
Tactical Operations Team

435.1 PURPOSE AND SCOPE
The Tactical Operations Team is comprised of three specialized teams: Special Weapons and Tactics Team (SWAT), Hostage Negotiations Team (HNT), and Tactical Dispatch Team (TD). The team is also supported by engineers, canine handlers and analyst(s). The team has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods are beyond the capability of on duty personnel. It is the intent of the San Leandro Police Department to provide a highly trained and skilled tactical team as a resource for the handling critical incidents.

This policy is written to comply with the guidelines established in the California Commission of Peace Officer Standards and Training (POST) 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1), and the National Tactical Officers Association (NTOA) SWAT 2011 Standard for Law Enforcement Agencies.

435.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY
The policy sections pertaining to the Tactical Operations Team 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.

435.2 POLICY
It shall be the policy of this police department to provide the equipment, staffing, and training necessary to maintain a Tactical Operations Team. The Tactical Operations Team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control
(b) Containment
(c) Entry / Apprehension / Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on experience level of the team personnel, team administrators and potential incident commanders. Nothing in the policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to exigency of the circumstances. The preservation of innocent life is paramount.

435.2.1 POLICY CONSIDERATIONS
A needs assessment should be conducted to determine the type and extent of Tactical Operations Team missions and operations appropriate to this department. The assessment should consider the team’s capabilities and limitations and should be reviewed annually by the Tactical Operations Commander or his/her designee.
Tactical Operations Team

435.3 TACTICAL OPERATIONS TEAM DEFINED

435.3.1 TACTICAL OPERATIONS COMMANDER
The Tactical Operations Commander and the Assistant Operations Commander assume incident command of any Tactical Operations deployment. They receive pertinent intelligence from SWAT, HNT and Tactical Dispatch at the command post and direct the Team Leaders accordingly.

Tactical Operations Commander - responsible for the overall command of operations, training, and administration.

Assistant Tactical Operations Commander - Usually the senior Team Leader of SWAT during the Commander’s Absence. Ideally all Team Leaders will be sent to a POST certified Commander’s course. This will enable them to move into the Commander’s role if required.

435.3.2 SWAT TEAM
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 hazardous, complex, or unusual and may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and high-level incidents.

As a matter of departmental policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public safety and officer safety issues warrant the use of such unit.

Team Leader(s) - Sergeant(s) or senior member(s) responsible for direct oversight of their assigned subordinates during their normal course of duty related to the Tactical Team.

Team Member - responsible for maintaining a high level of proficiency in tactical firearm, and physical skills. Team members may be placed in a role of a Team Leader at any time.

Sniper Coordinator - Sergeant or senior member responsible for direct oversight of the sniper teams training and records.

Sniper - collateral team assignment requiring a high level of proficiency with a high caliber scoped rifle.

435.3.3 HOSTAGE NEGOTIATIONS TEAM
The Hostage Negotiations Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and affect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

Team Leader(s) - Sergeant(s) or senior member(s) responsible for direct oversight of their assigned subordinates during their normal course of duty related to the Hostage Negotiations Team.

Team Member - responsible for negotiations, debriefing of witnesses / victims / suspects, knowledge and ability to deploy related equipment, intelligence gathering and other duties as described. Team members may be placed in a role as a Team Leader at any time.
435.3.4 TACTICAL DISPATCH TEAM
The Tactical Dispatch Team has been established to assist the Tactical Operations Team with documenting incident deployments, coordinating communications and assisting with intelligence gathering. They respond to the command post and carry out their assigned duties from that location.

Team Leader - senior member responsible for direct oversight of their assigned subordinates during their normal course of duty related to the Tactical Dispatch Team.

Tactical Dispatcher - responsible for communication efforts and other Command Post duties during operations. Team members may be placed in the role of a Team Leader at any time.

435.3.5 SUPPORT STAFF
Additional Support Staff may be deployed with the Tactical Operations Team and work at the direction of the Team Leader they are assigned.

Analyst Technician - responsible for gathering intelligence on locations for both pre-planned and actively developing incidents.

Engineer(s) - responsible for maintaining equipment assigned to the team. Includes vehicles and misc. technology related equipment.

Canine Handler - officers, along with their K-9 partner, trained to work intimately with the SWAT team during pre-planned or actively evolving incidents.

435.4 TACTICAL OPERATIONS TEAM TRAINING NEEDS ASSESMENT
The Tactical Operations Team Commander, or designee, shall conduct an annual training needs assessment and prepare a training matrix to ensure that training is conducted within team capabilities, departmental policy and the training guidelines as established by POST (11 C.C.R. § 1084).

The SWAT Team should generally train two times per month. The Sniper Team should minimally train quarterly and are encouraged to qualify monthly. The Hostage Negotiations Team should train two times alone per year, and four times per year with the entire Tactical Operations Team.

435.4.1 SWAT TEAM INITIAL TRAINING
SWAT Team operators and SWAT supervisors/team leader should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed the department requirements or POST standardized training recommendations.

435.4.2 SWAT TEAM UPDATED TRAINING
Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.
Tactical Operations 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.

435.4.3 HOSTAGE NEGOTIATIONS TEAM INITIAL TRAINING
Those officers selected as members of the Negotiations Team should attend the Basic Negotiators Course as approved by POST prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity.

435.4.4 HOSTAGE NEGOTIATIONS TEAM UPDATED TRAINING
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 supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiations Team who performs or functions at a level less than satisfactorily shall be subject to dismissal from the unit.

Additional training will be coordinated by the team supervisor. These training days will provide the opportunity for role playing and situational training necessary to maintain proper skills. Team Leaders will coordinate the creation of the annual training matrix and a Training Summary Report to document each training session.

435.4.5 CANINE HANDLERS
It is recommended that SWAT Teams and K-9 units work jointly in documented scenario-based training to maintain SWAT K-9 team core competencies, consistent with the type of SWAT missions performed. It is advised that K-9 units wishing to work with the SWAT Team attend a POST certified S.K.I.D.D.S. (SWAT & K-9 Interaction During Deployment School).

435.4.6 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the Tactical Operations functions at the organizational level to ensure personnel who provide active oversight at the scene of Tactical 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.

435.4.7 SCENARIO BASED TRAINING
The Tactical Operations Team 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.

435.4.8 TACTICAL OPERATIONS ONGOING TRAINING
The SWAT team should generally train two times per month. The Sniper Team should minimally train quarterly and are encouraged to qualify monthly. The entire Tactical Operations team should generally train quarterly.
Tactical Operations Team

435.4.9 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

435.4.10 TRAINING DOCUMENTATION
All training shall be documented in the form of a Training Summary report and maintained in the Tactical Operations training file. The documentation should be completed within 14 days of the training, by the supervisor running the training day. The training summary should include the following:

(a) Attendees
(b) Nature of training
(c) Summary of the training
(d) Evaluation / Training Points

435.4.11 TACTICAL OPERATIONS TEAM EVALUATION AND RETENTION
All Tactical Operations Team members shall be in good standing with their primary job assignment. Ratings below Meets Standard in any category in their evaluation may result in temporary suspension from the team. Continued poor ratings will be cause for removal. A team member may be removed from the team, without cause, when deemed necessary for the good of the team by the Tactical Operations Team Commander and approved by the Captain of Operations.

435.5 UNIFORMS, EQUIPMENT, AND FIREARMS

435.5.1 UNIFORMS
The Tactical Operations Team will wear their appropriate designated call-out uniform. SWAT will wear the uniform specified from their Team Leader upon activation. Typically this includes a utility uniform and footwear of an approved color/pattern. Uniforms should utilize visible and identifiable placards, patches, or lettering that clearly identifies the wearer as a law enforcement officer. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission. The Tactical Operations Commander must approve all other items of personal wear or equipment.

Hostage Negotiators, Tactical Dispatchers and other assigned personnel will wear their authorized utility pants and polo shirts. They will wear footwear that blends in with the rest of their uniform.

SKIDDS (Canine) units working with Tactical Operations will wear their designated patrol uniforms. They will also be authorized to wear their ballistic helmets and rifle rated vests.

435.5.2 EQUIPMENT
SWAT members from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

(a) Personal Equipment - the Department will supply their team members with at least the following safety equipment:

(b) Ballistic helmet
Tactical Operations Team

(b) Ballistic entry vest
(c) Nylon utility belt
(d) Two tactical uniforms
(e) Eye / ear protection
(f) Inclement weather protection
(g) Gloves
(h) Air purifying respirator
(i) Special weapons, as authorized
(j) Less lethal options (Taser)
(k) PVRS (body camera)

(b) Special Equipment - Recognizing that the missions of the SWAT team are performed in a hazardous environment, and recognizing that the safety of innocent citizens, officers, and suspects is often jeopardized by the hazardous conditions, it shall be the intent of the SWAT team to utilize special equipment, as listed below, in an attempt to lessen the risk of injury to all involved during the performance of a SWAT operation. The SWAT Team Commander will insure that only those team members properly trained and certified in the use of the special equipment will utilize the equipment.

435.5.3 FIREARMS
Weapons and equipment used by the Tactical Operations Team should be agency-issued, including modification, additions, or attachments.

435.6 MANAGEMENT / SUPERVISOR OF SWAT TEAM
The Tactical Operations Commander shall be selected by the Chief of Police upon recommendations of staff. The team should be managed by a Lieutenant or by a Sergeant in an acting capacity.

435.6.1 TEAM SUPERVISORS
HNT Team and SWAT Team will have designated Team Leaders.

The HNT Supervisor and SWAT Team Leaders shall be selected by the Bureau of Operations Captain upon specific recommendation by the staff and the Tactical Operations Commander. The Team Leaders should be selected from existing active members of the team.

The following represent the supervisor responsibilities for the Tactical Operations Team:

(a) The HNT supervisor's primary responsibility is to supervise the operations of HNT which will include deployment, training, first line participation, and other duties as directed by the Tactical Operations Commander.

(b) The SWAT Team Leader'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 Tactical Operations Commander.
(c) The Sniper supervisor's primary responsibility is to supervise the operations of the Sniper Team, which will include equipment maintenance, qualification, and sniper procedures.

(d) The Tactical Dispatch Team Leader's primary responsibility is to oversee the Tactical Dispatch training and needs.

435.7  ENGINEERS, CANINE HANDLERS, AND TACTICAL DISPATCHERS
The following procedures serve as directives for the administrative operation of the Engineers, Canine Handlers and Tactical Dispatchers.

435.7.1  SELECTION PROCESS
Selection process for Engineers, Canine Handlers, and Tactical Dispatchers will be in accordance with the Tactical Operations Team Selection and Re-Certification Process procedure. This document can be found in the San Leandro Police Department Procedure Manual.

435.8  COMMAND STRUCTURE
Canine Handlers, Engineers and Tactical Dispatchers will be under the command of the Tactical Operations Commander. The Tactical Operations Team Commander, upon approval from the Bureau of Operations Captain, will appoint Team Leaders, as necessary.

435.9  SWAT TEAM ADMINISTRATIVE PROCEDURES
The SWAT Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics, as in such situations 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 SWAT Team.

435.9.1  SELECTION OF PERSONNEL
The SWAT Team will select all prospective members from a valid eligibility list created through applicant testing as outlined in the Tactical Operations Team Selection and Re-Certification Process procedure. This document can be found in the San Leandro Police Department Procedure Manual.

The eligibility of list applicants will be forwarded up the chain of command to the Bureau of Operations Captain.

435.10  SWAT TEAM EVALUATION
Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Team’s leadership. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any members of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.
All operational Tactical Team members, regardless of rank or position, must maintain the following acceptable standards of performance.

(a) Members must pass the annual physical agility test and firearms assessment courses as outlined in the SWAT Selection and Re-Certification Process procedure. This document can be located in the San Leandro Police Department Procedure Manual.

(b) Training will generally consist of two days per month. Night training should be included to make sure the team trains during all lighting conditions.

(c) Members should be in good standing with their primary job assignment. Ratings below Meets Standard in any category in their evaluation may result in being placed in a temporary non-deployable status. Continued poor ratings will be cause for removal.

If any member fails the annual physical agility course, he/she will be placed in a temporary, non-deployable status until they successfully pass.

If any member is not able to successfully complete the re-certification within sixty days they may be removed from the team if they are not willing to participate in advanced training designed to improve their performance. The members may schedule as many attempts as needed within those sixty days.

If the member does not comply with the standard, one of the SWAT team leaders will complete a detailed memo describing the process and forward it to the Bureau of Operations Captain.

435.11 OPERATION GUIDELINES FOR TACTICAL OPERATIONS TEAM
The following will serve as guidelines for the operational deployment of the Tactical Operations Team. Generally, all sections of the team will be activated together. It is recognized that the tactical team may be used in a situation not requiring the physical presence of Hostage Negotiators and/or Tactical Dispatchers. This should be at the discretion of the Tactical Operations Commander.

435.11.1 ON-SCENE DETERMINATION
The supervisor in charge at the scene of a particular event will assess whether the Tactical Operations Team is needed to respond to the scene. The departmental Threat Assessment Sheet should be reviewed during this determination. Upon completed determination by the Watch Commander, they should not hesitate to contact the Tactical Operations Commander even if the threat assessment doesn’t warrant a Tactical Operations callout. Once the Tactical Operations Commander has evaluated the circumstances he/she will contact the Captain of Operations prior to activating the team. Unless the delay would jeopardize public safety and then the notification should be made as soon as practical.

435.11.2 APPROPRIATE SITUATIONS FOR USE OF THE TACTICAL OPERATIONS TEAM
The following are examples of incidents which may result in the activation of the Tactical Operations Team:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.


**Tactical Operations Team**

(c) Cases of suicide threats.

(d) Arrest of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

(f) Personal Protection: The security of special persons, such as VIP’s, witnesses, or suspects, based on threat or potential threat to the well-being of those persons.

(g) Special Assignments: Any assignment, approved by the Tactical Operations Commander, based upon a high level of threat.

(h) Unusual Occurrences: Initial response unit to unusual occurrences and requests for mutual aid.

435.11.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from an outside agency's SWAT Team must be approved by the Watch Commander. Deployment of San Leandro Police Department's Tactical Operations Team in response to a request by other agencies must be authorized by the Bureau of Operations Captain. Once the permission has been granted, the activation will follow the standard procedures.

435.11.4 MULTI-JURISDICTIONAL TACTICAL OPERATIONS

The Tactical Operations 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 a multi-jurisdictional Tactical Operation will regularly be conducted, Tactical Operations joint training exercises are encouraged.

(b) Members of the San Leandro Police Department Tactical Operations team shall operate under the policies, procedures and command of the San Leandro Police Department when in a multi-agency situation.

435.12 MOBILIZATION OF THE TACTICAL OPERATIONS TEAM

The Watch Commander has the authority to immediately activate the team for any critical incident within jurisdictional boundaries. The Watch Commander shall request that the current procedure be activated through the dispatch center via chain of command. Upon the determination of a Tactical Operations callout, the Watch Commander, Tactical Operations Commander, or designated Team Leader (Acting Commander) will notify dispatch. Dispatch will send out a text page to the Tactical Operations Team. Each member will reply via text. Team leaders of each unit will phone the Tactical Operations Commander or other Team Leader to confirm notification.

Tactical Operations activations take precedence over all other assignments within the San Leandro Police Department. Tactical Operations Team members assigned to the SWAT Team become subordinate to the Tactical Operations Commander until the Tactical Operations Commander determines that the activation is over.
On-duty Tactical Operations personnel: There are occasions where an on-going critical incident is evolving but has not reached the point of a full Tactical Operations Team callout. During these times, on-duty team personnel may be requested to respond. On-duty personnel should respond in their patrol uniform and Detectives and other members wearing plain clothes should respond as long as they make themselves identifiable with police gear such as tactical gear with departmental markings. When practical, on-duty plain clothes personnel should change into the blue patrol utility uniform. They can wear either their patrol body armor or their vest issued by the SWAT Team. The role of the on-duty personnel should be to assist and not take over the incident without the necessary resources provided by the full Tactical Operations Team. Team members should not hesitate to share their knowledge with on scene personnel to help resolve the incident efficiently.

435.12.1 FIELD UNIT RESPONSIBILITIES
(a) Establish an inner and outer perimeter.
(b) Establish a command post outside the inner perimeter.
(c) Evacuate any injured persons or citizens in the zone of danger.
(d) Attempt to establish preliminary communication with suspect. Trained negotiators should take over as soon as possible.
(e) Prepare the briefing board for responding resources to self-brief.
(f) Be prepared to brief the Tactical Operations Commander on the situation.
(g) Plan for and stage anticipated resources.

435.12.2 ON-SCENE RESPONSIBILITIES
When activated for an operation, the Tactical Operations Commander, or the Acting Commander, generally assumes the role of Incident Commander of any incident requiring the Tactical Operations team, unless the incident is so large that the resources need to be broken down using the Incident Command System Model. The Tactical Operations Commander may fall under the Operations Section as directed by the Incident Commander. They will still manage the Tactical Assets that are responding to the incident.

Tactics will still be managed by the Tactical Operations Commander during incidents where they are not the Incident Commander; however, the Incident Commander should be aware of the activity since they are managing the overall incident.

Unless the Tactical Operations Commander relinquishes the incident to another person outside the San Leandro Tactical Operations Team, no other person, who is not in a leadership position within the Tactical Operations Team, will attempt to direct, supervise, or control any element or member of the Tactical Operations Team.

Contingencies should be in place where the Tactical Operations Commander may have other collateral duties that may be affected. These duties may include but are not limited to the Press Information Officer and Investigations Commander. If a Tactical Operations Team member is
involved in a critical contact being investigated by our department’s detectives, another Watch Commander should manage that investigation.

435.13 TACTICAL EMERGENCY MEDICAL SUPPORT
The San Leandro Police Department will strive to protect the lives of all persons involved in tactical situations. To that end, a select team of Paramedics and Emergency Medical Technicians (EMT’s) will be cross-trained with our Tactical Operations Team. The designated Paramedics and EMT’s will be utilized as TEMS for SWAT.

435.13.1 ROLES AND RESPONSIBILITIES
Medical Director - a licensed physician for the overall medical control of the TEMS Unit. Approves Standard Operating Procedures (SOPs) for medical care, develops and reviews medical policies and procedures, authorizes medical equipment, oversees quality improvement, acts as a liaison with TEMS, and assists Tactical Paramedics and EMTs as needed when on scene.

TEMS Liaison - provides direct supervision of the TEMS Unit, acts as a liaison between our agency and TEMS staff. Reports directly to the Tactical Operations Commander.

Specialized TEMS Medic - a Medic who has attended specialized TEMS related training and has been selected to work regularly with San Leandro’s Tactical Operations Team.

Standard TEMS Medic - a Medic who has attended specialized TEMS related training.

435.14 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 94-03.
436.1  POLICY
The Patrol Division of the Police Department must function on a continuous, uninterrupted basis with personnel staffing adequate, in the judgment of the Police Chief, to effectively meet service demands.

Scheduling procedures will be authorized by the Bureau of Operations Captain, and will be administered to accomplish the primary staffing objective, with due regard for the impact on operating personnel.

436.2  PROCEDURES
A rotational Patrol schedule in the form and style approved by the Chief of Police shall be used to record the work assignments of all Patrol personnel.

There shall be at all times, a Scheduling Supervisor assigned to the task of maintaining this primary work schedule.

A secondary Scheduling Supervisor will be assigned to administer the schedule in the event that the primary scheduling supervisor is not available.

All supervisors are expected to monitor and administer the day-to-day staffing needs of the schedule as permitted within these scheduling guidelines.

436.3  LINE OF AUTHORITY
Duties of the Scheduling Supervisor:

(a) The Scheduling Supervisor shall maintain a master work schedule of all personnel assigned to the Patrol Division. This schedule shall include the name of the Officer, the shift, date, day and time of assignment.

(b) The Scheduling Supervisor shall record and forward to all appropriate personnel any changes, approved by competent authority, which adjust the master schedule.

(c) The Scheduling Supervisor has the duty to maintain and record approved requests for vacation and other times off, utilizing current policies and procedures.

(d) All work schedules will be prepared in a timely fashion. They shall be approved by the Patrol Watch Commander designated as the Schedule Manager, and posted where possible no later than 30 days in advance of change of watch.

(e) The Scheduling Supervisor shall be responsible for resolving minor conflicts in scheduling, by using existing Department policies and guidelines. In the event a conflict exists which cannot be resolved amicably, documentation shall be forwarded to the Schedule Manager for resolution.

(f) The Scheduling Supervisor will obtain authorization from the designated Schedule Manager for the expenditure of overtime used to cover staffing shortages, except those emergency periods such as an immediate sick call or injury void. In the event
Patrol Division Scheduling

the Schedule Manager cannot be consulted, the Watch Commander affected by the staffing shortage and overtime expenditure shall have the authority to grant approval.

(g) The Scheduling Supervisor will annually conduct a vacation schedule sign-up, based on seniority, for the Patrol Division. This sign-up shall begin in September and shall be completed by the first of November each year.

436.4 RESCINDED POLICY
OPIOID OVERDOSE RESPONSE

437.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines and regulations governing the utilization of Naloxone by San Leandro Police Department employees with the objective to reduce the number of fatal opiate overdoses and increase employee safety.

437.1.1 DEFINITIONS
Naloxone Hydrochloride (Narcan): A prescription medication used for the treatment of a known or suspected opioid overdose; a narcotic antagonist which works by affecting opiate receptor sites within the brain.

Intranasal: Administered through the nose. The nasal cavity is covered by a thin mucosa, which is extremely vascular and provides a direct route into the blood stream of the subject.

Opioid Overdose: An acute, life threatening medical condition caused by the excessive intake of opiates (e.g. heroin, morphine, fentanyl, tramadol, oxycodone, etc.). This serious medical condition causes the victim to suffer from an altered level of consciousness, pinpoint pupils, respiratory arrest, and can lead to death.

Employee: Any sworn or non-sworn member of the San Leandro Police Department who is likely to be in a location where narcotics are found, tested, or stored.

437.2 POLICY
It is the policy of the San Leandro Police Department that employees who are issued Naloxone are trained in its use and appropriate administration.

437.3 STANDING ORDER
The Alameda County Emergency Medical Services Agency (EMSA) Medical Director has authorized San Leandro Police employees who have received training in the application of Naloxone to possess and administer Naloxone.

437.4 NARCAN COORDINATOR
The Chief of Police shall appoint a supervisor to serve as the Narcan Coordinator, whose responsibilities include:

(a) Coordinating new or continued Narcan training for employees and ensuring the Professional Standards and Training Unit has an updated list of Narcan trained employees.

(b) Obtaining new Narcan kits prior to their expiration and ensuring the Professional Standards and Training Unit has updated records of issued Narcan kits.

(c) Inspecting Narcan Kits on a monthly basis, including those issued on a long-term basis.

(d) Submit required patient care reports every 3 months to the County.
OPIOID OVERDOSE RESPONSE

(e) Submit any adverse patient outcomes within 24 hours to the County.
(f) Submit any Unusual Occurrences to the County.

437.5 PROCEDURE

(a) Any sworn or non-sworn member of the San Leandro Police Department who is likely to be in a location where narcotics are found, tested or stored, should be trained in the use of Narcan.
(b) Only employees who have completed authorized training in the use and application of Narcan shall be assigned to carry and utilize Narcan.
(c) Sworn personnel assigned to the K-9 Unit, Traffic Division and Criminal Investigations Division shall be assigned long-term Narcan kits.
(d) For all other employees, the on-duty supervisor shall complete an Equipment Inventory Log, including the assigned Naloxone kit number, date, and time the Narcan is logged out and returned. The Narcan kit and all related equipment must be returned to the designated secure storage area at the end of each shift, unless permission is granted to specific employees for long-term use.
(e) Narcan must be stored in a climate-controlled area and in a location where access to the medication can be secured and controlled.
(f) Employees who are trained in the use of Narcan shall deploy with Narcan kits in the field. However, the employees shall retain the discretion to administer or not administer Narcan to persons experiencing or suspected of experiencing opioid-related overdoses. There is no legal or departmental obligation to administer Narcan.
(g) Employees who administer Narcan are protected from civil and criminal liability if they “act with reasonable care” and “in good faith.” This is accomplished by administering Narcan according to the established training protocol.
(h) Each assigned employee shall conduct a pre-service inspection of the Narcan kit and confirm its condition. The employee shall inspect the secured safety case to ensure it is clean and not damaged or expired.
(i) Assigned employees shall carry the Narcan kit in a location that can be easily accessed and utilized when needed but out of direct sunlight.

437.6 NARCAN ADMINISTRATION

(a) Employees trained in the use of Narcan are authorized to use it without prior approval in cases where an opiate overdose is suspected.
(b) When using Narcan employees should maintain universal precautions against bloodborne pathogens.
(c) Prior to administration of Narcan, employees must assess the victim for lack of breathing, pulse and unresponsiveness. Employees should conduct a brief visual survey for any obvious evidence of drug use or exposure.
**OPIOID OVERDOSE RESPONSE**

(d) If an employee determines a victim is suffering from opiate-based overdose, the employee shall request Emergency Medical Services (EMS) immediately prior to the administration of Narcan.

(e) Narcan shall be administered by employees utilizing an intranasal spray in accordance with training guidelines.

**437.7 DOCUMENTATION AND REPORTING**

(a) Any employee administering Narcan shall detail its use in the SLPD Narcan Report. See attachment: SLPD_Use_of_Narcan__Naloxone_Form.pdf

(b) The supervisor approving the report shall ensure it contains enough information to meet applicable state reporting requirements and that a copy of the report is routed to the EMSA for auditing purposes.

**437.8 MAINTENANCE AND REPLACEMENT**

(a) The daily inspection of Narcan kits shall be the responsibility of the officers who are assigned the kit for field deployment. The maintenance and replacement of Narcan kits shall be the responsibility of the Narcan Coordinator or their designee. Used, lost, or damaged Narcan kits shall be reported to a supervisor and returned to the Narcan Coordinator for replacement.

(b) Narcan will be obtained on an as needed basis by the Narcan Coordinator.

**437.9 TRAINING**

Prior to being issued and/or administering Narcan, personnel must complete an Opioid Overdose Prevention Training conducted by a person authorized by the Department to serve as a trainer. The authorized trainer must be trained by Alameda County EMS to conduct Opioid Overdose Responder training. The training shall only be offered to San Leandro Police Department employees and shall be conducted every two years.
438.1  PURPOSE AND SCOPE
The purpose of this Policy is to ensure that the San Leandro Police Department ("Department" or "Agency") appropriately utilizes an internal information sharing platform to collect, evaluate, maintain and disseminate information regarding criminal activity that impacts the City of San Leandro ("City"). This system is not to be used as a multijurisdictional Criminal Intelligence System, nor should it contain Criminal Intelligence Files as the intended use of the platform is to share fact based information rather than intelligence products from data based on an analytic process as defined by 28 CFR Part 23. See definitions for clarification between Information and Intelligence as it relates to this Policy.

438.1.1  DEFINITIONS
Definitions related to this policy include:

Information - "Pieces of raw, unanalyzed data that identify persons, organizations, evidence, events or illustrates processes that indicate the incidence of a criminal event or witnesses or evidence of a criminal event."

Intelligence - Raw information that is assessed for validity and reliability, reviewed for materiality to the issues at question, and given meaning through the application of inductive or deductive logic. Law enforcement intelligence, therefore, is “the product of an analytic process that provides an integrated perspective to disparate information about crime, crime trends, crime and security threats, and conditions associated with criminality."

Criminal Information Sharing Platform (CISP) - Best practices dictate that a platform for sharing Criminal Information should take place on a secure CJIS (Criminal Justice Information Services) compliant system that receives, stores, exchanges, or disseminates information about criminal activity, officer safety or for another legitimate law enforcement purpose on a “need to know” and “right to know” basis. The Criminal Information Sharing Platform will be used as a secure platform that allows users to store, exchange and disseminate private or sensitive information about criminal activity, officer safety or for other legitimate law enforcement purposes.

Criminal Intelligence Information - Legally gathered factual data which has been analyzed to determine that it is relevant to the identification of, or the criminal activity engaged in by, person(s), groups, associations, or organizations.

Criminal Intelligence System - 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 that meet the reasonable suspicion criteria and other operating principles as defined by 28 CFR Part 23.

Criminal Intelligence Files - Any files relating to a specific person, group, association, or organization which contains criminal intelligence information that demonstrates a criminal predicate exists as to the person, group, association, or organization. In this context “person” may include persons known to exist whose identities have not yet been ascertained.
Criminal Information Sharing Platform

Users are defined as employees of the Department who interact with, post on, utilize information on, or remove information from the CISP, including but not limited to Content Managers, Administrators, and Submitters as defined in this Policy.

438.2 POLICY

The San Leandro Police Department recognizes that information gathering is a fundamental and essential element in the duties of any law enforcement agency. When appropriately acquired, analyzed and shared, information is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for conviction. It is the policy of this agency to gather and share information internally to enhance the Department’s mission of protecting lives and property, collecting relevant evidence and further prosecution of subjects associated to criminal activity.

Information gathered will be directed toward specific individuals or organizations where there is reasonable suspicion that said individuals or organizations may be planning or engaging in criminal activity that affects the City of San Leandro. The information will be gathered with due respect for the rights of those involved and disseminated only to authorized individuals as defined under Section 424.11 Release of Information as specified in this Policy. It is also the policy of this Agency to adopt standards which are established to ensure the legality and integrity of the use of such an information sharing platform, which include:

- Procedures for ensuring information collected is limited to criminal conduct;
- Use of the platform as it relates to activities that pose a threat to the community;
- Descriptions of the types or quality of information that may be included in the system;
- Standards for purging out-of-date or incorrect information.

Information that is shared, or accessed, via the platform may include administrative messages related to police department business.

438.3 SECURITY

All Users must maintain the highest levels of security and confidentiality when using the platform. Users shall adhere to all applicable policies related to information technology use, electronic communications, records release, and protected information.

438.4 USE

All users of this agency are responsible for using the platform for sharing information in a timely manner for the purposes of:

(a) Identifying and apprehending subjects associated to criminal activity;
(b) Identifying threats to public and/or officer safety;
(c) Supporting criminal investigations;
(d) Furthering prosecution of subjects associated to criminal activity;
(e) Addressing quality of life issues; to include but not limited to, encampments, blight and disorderly or disruptive public behavior;
Criminal Information Sharing Platform

(f) Providing insights into emerging crime trends that impact the City.

Users shall maintain civil and privacy rights of all individuals at all times and only enter information that was obtained legally and appropriately.

All users must ensure that information entered is correct to the best of their knowledge and as timely as possible. Users should log onto the platform once per shift.

Along with this policy, each User shall be familiar with the City’s guidelines for electronic communications in Administrative Procedure 1010.

438.5 PROCEDURE

Users must obtain the requisite training before accessing the platform. Training will include identification of information that may be particularly relevant for inclusion on the 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 submitter should ensure that sufficient information is included for reference or referral if needed in order to verify its accuracy. Examples include: Case number or contact information for outside agency cases or information, screenshots of open source or public source documents or contact information from the original source document/bulletin.

Once information is developed and identified as meeting the requirements for entry, Department members should enter information into the platform appropriately and in a timely manner. Examples of relevant information includes, but is not limited to:

(a) Information related to subjects involved in criminal activity;
(b) Gang indicia or vandalism associated with a person or residence;
(c) Information related to problem locations such as bingo halls or illegal gambling operations;
(d) Information relating to crime trends;
(e) Officer safety information;
(f) Beat health information.

Information entered should be checked for validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report if appropriate. It is the responsibility of the person submitting the information to ensure that they clarify if there is any action that needs to be taken based upon the information submitted. This may include:

(a) Arrest of a wanted subject;
(b) Extra patrol checks for suspicious activity;
(c) No contact desired due to UC (undercover) operations;
(d) Probation or parole search.

Information and documents added to the platform:
Criminal Information Sharing Platform

(a) Shall not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.

(b) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(c) Shall not include screenshots of California Law Enforcement Telecommunications System (CLETs) returns, Consolidated Records Information Management System (CRIMS) dockets, Department of Motor Vehicles (DMV) records, California Information & Identification (CII) number, etc. with identifying information in order to maintain Criminal Offender Record Information (CORI) protections. Please summarize in body of post. Photographs (i.e., mugshots) alone are acceptable.

(d) Shall not include informant information.

(e) Shall be confirmed prior to arrest or apprehension in the case of warrants, probation and/or parole.

(f) If stating subject is on probation, please refer to docket and expiration date. If you see a post without this information, please confirm docket and expiration date before taking action.

If there is a violent felony with a callout initiated, the person’s crimes sergeant shall be contacted and approval sought prior to adding information regarding the callout in the platform. Specific folders may be created that limit access to platform based upon job assignment and duties.

438.6 PROHIBITED USE

Users will consider protection of individual civil rights at all times. Only information with a criminal nexus, public/ officer safety concern or significant quality of life issue which meets the criteria for input should be included. Information pertaining solely to religion, gender, race, sexuality, politics or any other protected class without a criminal, or public safety, nexus is prohibited. Any information that is deemed inappropriate or falls under prohibited use shall be immediately removed and reported to the appropriate supervisor.

Specifically excluded material includes:

(a) Information on an individual or group merely on the basis that such individual or group supports unpopular causes.

(b) Information on an individual or group merely on the basis of ethnic background.

(c) Information on any individual or group merely on the basis of religious or political affiliations.

(d) Information on an individual or group merely on the basis of sexual identity or orientation.

(e) Information on an individual or group merely on the basis of non-criminal personal habits.
Criminal Information Sharing Platform

(f) Information copied directly from the Criminal Offender Record Information (CORI), shall be excluded from the platform. This is because CORI may be subject to specific audit and dissemination restrictions which are designed to protect an individual's right to privacy and to ensure accuracy. CORI information may be summarized within the platform.

(g) Also excluded are associations with individuals that are not of a criminal nature.

Any User who becomes aware of content on the platform that he/she believes is unauthorized or inappropriate shall promptly report such content to their immediate supervisor, or a CISP supervisor or administrator. The supervisor will ensure its removal from platform and investigate the cause of the entry.

User shall not refer to obtaining information contained in the platform in police reports.

438.7 DATA RETENTION
The retention period for all information input into CISP shall not exceed five years. Information will be automatically purged from the platform by the expiration of its retention period, unless the information has been interacted with by a platform user.

The Criminal Information Sharing Platform Administrator is responsible for ensuring that the platform is maintained in accordance with the goals and objectives of the Department and includes information that is both timely and relevant. To that end, the system shall be monitored for inappropriate content and if information is posted that violates policy it will be removed as quickly as possible.

All information entered into the platform is for official use only, and because such data may contain confidential information, it is not open to public review. Information gathered and retained by in the platform may be used and shared with prosecutors or others only as permitted by law, or on a “need to know,” “right to know” basis.

438.8 ROLES AND RESPONSIBILITIES
The roles and responsibilities for use of the Criminal Information Sharing Platform are as follows:

438.8.1 CRIMINAL INFORMATION SHARING PLATFORM ADMINISTRATOR
The Chief of Police will appoint a Sharing Platform Administrator to review, at least annually, the Department’s use of the internal criminal information sharing platform and report back on, at a minimum, the resources being used, and the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The CISP Administrator will also ensure that data retention and purge schedules are maintained.

In addition, the Administrator shall ensure the following:

(a) Users of the platform are appropriately trained and have access to appropriate folders within system;
(b) Platform content is appropriately reviewed and audited;
(c) Any system security issues are reasonably addressed;
Criminal Information Sharing Platform

(d) Best practices for information sharing, platform use, and civil and privacy rights are maintained;
(e) Updating passwords or login information as needed;
(f) Providing training and resources to users as needed.

438.8.2 CRIMINAL INFORMATION SHARING PLATFORM SUPERVISOR
The Chief of Police will appoint a CISP Supervisor to assist the CISP Administrator with reviewing the Department’s use of the internal criminal information sharing platform and report back on, at a minimum, the resources being used, and the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

In addition, the Supervisor will be assigned with:
(a) Reviewing platform for unauthorized or inappropriate content;
(b) Acting as a backup to the CISP Administrator as needed.

438.8.3 CONTENT MANAGERS
Content Managers are members assigned to the Criminal Investigative Division (CID) or are involved in the role of an Intelligence Officer and are responsible for assisting with the management of content as it relates to their role. They will assist with:
(a) Ensuring that information related to their cases or information obtained from their role as an Intel Officer is added to the appropriate folder and/or thread;
(b) Providing information and updates on outstanding subjects, vehicles or significant case data in a timely manner;
(c) Providing clear instructions for any action needed on information provided.

438.8.4 SUBMITTERS
Submitters are all other members who are not assigned another role. They are responsible for:
(a) Logging into the platform once per shift;
(b) Creating and posting any notable criminal incident for department awareness as soon as they are able during their shift;
(c) Providing updates to any actions on information taken during shift.

Submitters may not purge information from platform without the approval of the designated CISP Supervisor or Administrator.

438.9 RELEASE OF INFORMATION
Department members shall comply with the rules regarding authorized release of information and may only share information with other law enforcement agencies on a “need-to-know” and “right-to-know” basis which is consistent with the Protected Information Policy (Lexipol Policy 806). Users may only share and provide information that is accurate and appropriate. All efforts must be made to adhere to the confidentiality of the information contained in the platform. In order to maintain
Criminal Information Sharing Platform

the integrity of the system screenshots are not allowed and printing from the platform is prohibited and will be disabled.

438.10 TRAINING
Users shall receive training that, at a minimum, addresses legal issues concerning the appropriate use of the platform, as well as privacy, civil rights, dissemination and retention of information posted to the platform.

The Professional Standards and Training Unit, with the assistance of the supervisor, shall provide training on best practices in the use of the platform. Training should include:

(a) The protection of civil liberties;
(b) Submission of information into the platform;
(c) The type of information appropriate for entry into the platform;
(d) The review and purging of information and retention policies.

438.11 RESCINDED POLICY
This Policy rescinds San Leandro Operations Directive 92-01.

I understand that it is my responsibility to review, become familiar with and comply with all the provisions of this new or updated Policy. I further understand that, if I have questions about or do not fully understand any portion of this Policy, it is my responsibility to seek clarification from my supervisor. I hereby acknowledge that I have received, read and understand this Policy.

Intelligence and Information definitions come from “Law Enforcement Intelligence: A guide for State, Local, and Tribal Law Enforcement Agencies”- US Department of Justice Table 2-1 p.12.
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 San Leandro Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision causing violations during high collision 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 collision locations.

Other factors to be considered for deployment are requests by the public, construction zones or special events.

500.3 ENFORCEMENT
Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.
Traffic Function and Responsibility

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

500.3.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter
(b) Felony and misdemeanor driving under the influence of alcohol/drugs
(c) Felony or misdemeanor hit-and-run
(d) Refusal to sign notice to appear
(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS
The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.
Traffic Function and Responsibility

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, collision investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS
High-visibility vests shall be maintained by each officer or employee required to perform traffic control functions. Each vest shall be maintained in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility is in their possession.

A supply of high-visibility vests will be maintained by the Professional Standards and Training Unit. The Professional Standards and Training Unit should be promptly notified whenever a high-visibility vest needs to be replaced.
Traffic Collision Reporting

501.1 PURPOSE AND SCOPE
The San Leandro 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 Sergeant or Traffic Lieutenant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant or Traffic Lieutenant 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 Division for approval and data entry into the Records Management System.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES
Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a collision report shall be completed and forwarded to the appropriate Bureau Captain, via chain of command.

Photographs of the collision scene and vehicle damage shall be taken.

The Department Fleet Manager shall forward a copy of the collision report to the Finance Department to the attention of the Risk Manager. Photos shall remain at the Police Department unless requested.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the San Leandro Police Department resulting in an injury or fatality, the Watch Commander may notify the California Highway Patrol for assistance.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Traffic Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

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
Traffic Collision Reporting

involved, a hit-and-run violation with suspect information. An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision
(b) When a vehicle must be removed from a roadway (i.e. tow for any reason)
(c) When a report is requested by any involved driver

501.5 NOTIFICATION OF TRAFFIC DIVISION
In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Lieutenant to relate the circumstances of the traffic collision and seek assistance from the Traffic Division. In the absence of a Traffic Lieutenant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

501.6 ON-DUTY COLLISION REVIEW PROCESS
It shall be the responsibility of the Traffic Lieutenant to evaluate all reports of on-duty vehicle collisions and to determine whether or not the accident was preventable. In fatal or serious injury collisions, the Traffic Lieutenant will convene a Collision Review Board to determine whether or not the collision was preventable.

If the Traffic Lieutenant determines a Collision Review Board is unnecessary, he/she shall review those collisions found to be preventable with the involved employee. This review is to discuss prevention issues, and the review may be conducted by employee's division commander.

501.7 COLLISION REVIEW BOARD
The Collision Review Board shall hear all cases upon recommendation of the Traffic Lieutenant. The board shall be comprised of:

(a) A Division Commander designated by the Chief of Police.
(b) The involved employee's immediate supervisor.
(c) The Traffic Division Accident Investigator.
(d) An employee of equal rank to the involved officer (at the discretion of the involved employee).
(e) Any other person(s) designated by the Chief of Police (optional).

The purpose of the hearing is to determine whether or not the collision was preventable. It is neither the purpose of the hearing to determine the responsibility for vehicle code violations, nor to determine and/or apportion negligence.
Traffic Collision Reporting

501.7.1 CONDUCT OF THE COLLISION REVIEW BOARD HEARING
The Division Commander designated by the Chief of Police shall be the Chairperson of the Board. The Chairperson will ensure the involved officer is made aware of his/her rights per Section 3303 of the Government Code.

The involved employee may have a representative of his/her choosing present during the hearing. The employee's representative shall not be a member of the Board, nor is he/she to be present during the deliberations of the Board. After the involved employee has described the collision and answered questions by the Board members, the Chairperson may excuse the employee from the hearing prior to deliberation of the Board.

The Board's finding will be reported in writing to the involved employee and to the appropriated Bureau Captain, who shall be responsible for remediation training, discipline, etc.

501.8 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 83-06, 84-16, 84-24, and 87-37.
72-Hour Parking Violations

502.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the San Leandro City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

502.2 MARKING VEHICLES
Vehicles suspected of being in violation of the City of San Leandro 72-Hour Parking Ordinance shall be marked and noted on the San Leandro Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Code Compliance Unit for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Code Compliance Unit.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

502.2.1 MARKED VEHICLE FILE
The Traffic Division shall be responsible for maintaining a file for all Marked Vehicle Cards.

The Code Compliance Unit shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

502.2.2 VEHICLE STORAGE
Any vehicle in violation shall be stored by the authorized towing service and a tow report shall be completed by the officer authorizing the storage of the vehicle.

The tow report form shall be submitted to the Records Unit immediately following the storage of the vehicle. It shall be the responsibility of the Communication Center 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 Record Unit to determine the names and addresses of any individuals...
72-Hour Parking Violations

having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).
Vehicle Towing and Release

503.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the San Leandro Police Department. Nothing in this policy shall require the Department to tow a vehicle.

503.2 STORAGE AND IMPOUNDS
When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

503.2.1 VEHICLE STORAGE REPORT
Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

503.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES
When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to select a tow company from the rotational list for the City of San Leandro. The officer will then store the vehicle using a CHP Form 180.

503.2.3 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).
Vehicle Towing and Release

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.

503.2.4 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, after they have filled out a Vehicle Release Authorization Form at the Records Unit.

503.2.5 EVIDENTIARY TOW

AUTHORIZING A 22655.5 CVC TOW: REQUESTED BY PATROL:

(a) Any member, other than a Detective, who determines the need for a 22655.5 CVC evidentiary tow, shall seek supervisory approval first.

(b) The Supervisor will confirm if the vehicle requires a 22655.5 CVC tow, or if another towing authority is appropriate (i.e., 14606 CVC, 23109 CVC, etc.)

(c) If the evidentiary need is unclear, the Supervisor shall contact CID for approval.

(d) If a vehicle is towed per 22655.5 CVC, an email shall be sent to the appropriate Unit Supervisor (Persons/Property/SVU/CSU/Traffic).

INVESTIGATOR RESPONSIBILITY:

(a) As soon as practicable, the Primary Investigator of the case for which the 22655.5 CVC tow was made shall notify the stakeholder (most commonly the registered owner) and
Vehicle Towing and Release

advise it will eventually be released. A valid phone number will be obtained, and they will be advised of their responsibility (stakeholders) to keep the investigator apprised of any changes.

(b) The stakeholder will also be given the following advisement: "Upon release of your vehicle, we will attempt to contact you at the number you provided. You will have 72 hours to respond, or your vehicle will be towed, if needed, to the original towing company's yard at your expense. Any storage fees incurred 72 hours after the notification will also be your responsibility." (This provides consent to an "owner's request tow" for the vehicle if no contact is made within 72 hours.)

(c) The aforementioned admonishment will be logged upon the 22655.5 CVC log with the date, time, case number, and caller.

(d) Upon completion of the investigation, or when the vehicle is no longer needed, the Primary Investigator or designee shall contact the stakeholder and log this contact/attempt on the 22655.5 CVC log with the date, time, case number, and caller.

(e) The 22655 CVC log shall be maintained in CID.

(f) If within 72 hours the stakeholder has not responded and arranged to pick the vehicle up from our storage yard, the vehicle will be towed as an "owner's request tow" to the original towing company's yard under the same case number. This tow will be documented in a supplemental report.

*** If a vehicle towed per 22655.5 CVC is later determined to be a Stolen/Recovered vehicle, the Investigator or designee shall ensure the tow authority in the SVS Entry has been appropriately updated (22651(c) or 22653(a) CVC).

503.2.6 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.

503.2.7 DISPATCHER'S RESPONSIBILITIES
Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

Dispatch personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System.

503.2.8 RECORDS UNIT RESPONSIBILITY
Approved storage forms shall be promptly placed into the Records Management System (RMS) so that they are immediately available for release or review should inquiries be made.
Vehicle Towing and Release

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals 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.

503.3 TOWING SERVICES

The City of San Leandro periodically selects firms to act as the official tow service and awards a contract to those firms. These firms 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.

503.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner’s property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

503.5 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.
Vehicle Towing and Release

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

503.6 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.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

503.7 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 89-02.
Vehicle Impound Hearings

504.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

504.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the San Leandro 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 (Traffic Sergeant or on-duty supervisor) must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

504.2.1 HEARING PROCEDURES
The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner’s lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations
Vehicle Impound Hearings

where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department’s policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department’s expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.
Impaired Driving

505.1 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).

505.2 POLICY
The San Leandro 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.

505.3 INVESTIGATIONS
All officers are expected to enforce these laws with due diligence.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information 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.

505.4 FIELD TESTS
The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

505.5 CHEMICAL TESTS
A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person’s blood alcohol content is 0.05 or more (Vehicle Code § 23140).
Impaired Driving

(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.

505.5.1 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)).

505.5.2 BLOOD SAMPLES
Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

505.5.3 BREATH SAMPLES
The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.
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Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

505.5.4 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.

505.5.5 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).

505.5.6 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).

505.5.7 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
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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).

505.6 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.

505.6.1 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.

505.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of the person’s duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
Impaired Driving

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.

505.6.3 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)).

505.7 RECORDS UNIT RESPONSIBILITIES
The Records Unit Supervisors will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

505.8 TRAINING
The Professional Standards and Training Unit 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 Professional Standards and Training Unit should confer with the prosecuting attorney’s office and update training topics as needed.

505.9 ADMINISTRATIVE HEARINGS
The Traffic Division 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 shall document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Unit shall forward this to the prosecuting attorney as part of the case file.

505.10 ARREST AND INVESTIGATION
Impaired Driving

505.10.1 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.

505.10.2 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

506.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

506.2 RESPONSIBILITIES
The Traffic Sergeant or Traffic Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Traffic Division shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

506.3 DISMISSAL OF TRAFFIC CITATIONS
Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Lieutenant may request the Bureau of Operations Captain to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation.

506.4 VOIDING TRAFFIC CITATIONS
Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

506.5 CORRECTION OF TRAFFIC CITATIONS
When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Division. The Traffic Division shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

506.6 DISPOSITION OF TRAFFIC CITATIONS
The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee’s immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with the department, all employees issued traffic citations books shall return any unused citations to the Traffic Division.
Traffic Citations

506.6.1 COURTESY CITATION
Issuance of a courtesy citation may take place if the officer believes education would better serve the communities interest at the time of the violation in lieu of an actual citation. The officer issuing the courtesy citation should advise the violator that the citation does not affect their driving record, is not an official citation and that the violator does not have to appear in court. The officer should advise the violator that this citation will be kept as a record and any further violations of this nature will result in an actual citation being issued.

506.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

506.7.1 APPEAL STAGES
Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the San Leandro Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

506.7.2 TIME REQUIREMENTS
Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(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).
Traffic Citations

(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).

506.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

506.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.
Disabled Vehicles

507.1 PURPOSE AND SCOPE
Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

507.2 OFFICER RESPONSIBILITY
When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

507.3 EXTENT OF ASSISTANCE
In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

507.3.1 MECHANICAL REPAIRS
Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

507.3.2 RELOCATION OF DISABLED VEHICLES
The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

507.3.3 RELOCATION OF DISABLED MOTORIST
The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

507.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.

507.5 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 86-01.
Administrative Per Se Law (APS)

508.1 PURPOSE AND SCOPE
This policy provides for the immediate suspension of California driver's licenses in certain Driving Under the Influence (DUI) cases and in Zero Tolerance incidents. Vehicle Code §§ 13382 (a) and (b), and 13388 (b) require that peace officers immediately suspend driving privileges in certain situations involving arrests for Vehicle Code §§ 23152 and 23153. This policy also describes the policy dealing with Zero Tolerance laws.

508.2 SUSPENSION OF CALIFORNIA DRIVER’S LICENSES
The driver’s license of a person suspected of driving under the influence of alcohol, shall immediately be suspended under any of the following circumstances:

(a) The arrestee refuses to submit to a chemical test
(b) The arrestee fails to complete the selected test
(c) The arrestee declines a breath test and demands a blood or urine test, and, the arresting officer has reasonable cause to believe that the arrestee's Blood Alcohol Content (BAC) will exceed the .08-percent level
(d) The arrestee completes the breath tests which show a BAC of .08-percent or higher

508.2.1 ZERO TOLERANCE LAW
Vehicle Code §§ 23136 & 23140 were enacted to reduce alcohol related incidents by persons under the age of 21-years. A person under 21-years years of age may have his or her license suspended under the following circumstances:

(a) When suspected of consuming alcohol and refusing a PAS test
(b) Who has a blood-alcohol level of .01-percent or greater

Zero Tolerance requires a Preliminary Alcohol Screening (PAS) device as the primary test. If the device is not available, one of the other chemical tests must be completed. Under Zero Tolerance, only the PAS device result is required. If, based on the PAS results, the driver's blood alcohol reading warrants arrest and further chemical testing, the Department of Motor Vehicles does not require completion of the chemical test section of the DS367m form. Once the PAS certification is complete, the Zero Tolerance requirement has been met.

508.3 PEACE OFFICER’S RESPONSIBILITY
In any of the above situations, the peace officer, acting on behalf of the Department of Motor Vehicles, shall do the following:

(a) Confiscate any California driver's license(s) in the possession of the driver. If the subject has an Admin Per Se (APS) temporary license document, do not confiscate.
Administrative Per Se Law (APS)

(b) Complete and serve the Administrative Per Se Order of Suspension (DMV form DS367, DS367m or DS367s - Officer's Statement and Order of Suspension), 4th page on the driver, regardless of license status.

(c) The officer will inform the driver that the "Administrative Per Se Order of Suspension", form DS367, DS367m or DS367s' along with his/her violator's notice to appear (except Zero Tolerance) or other release from custody document, will serve as the driver's temporary license. If the driver's privilege to drive is suspended or revoked, the order will not be a valid temporary license. If the subject presents an Admin Per Se suspension order/temporary license, do not confiscate the order but do issue another order pursuant to the current DUI arrest.

508.4 DEPARTMENT OF MOTOR VEHICLES NOTIFICATION
The following specified items must be forwarded to the Department of Motor Vehicles within five regular business days:

(a) Officer's Statement form DS367 or DS367m (Minor) or DS367s (Spanish)
(b) Order of suspension (form DS367, DS367m or DS367s, pages 2 and 3)
(c) Copy of the printout of the breath test (if taken)
(d) Traffic collision report if applicable
(e) The offender's driver's license

508.5 PROCESSING OF FORMS
In order to ensure that the Department of Motor Vehicles and Police Department forms are routed properly, the following responsibilities are identified:

508.5.1 SUPERVISORY APPROVAL
The supervisor responsible for approving reports shall collect the documents described in the "Department Of Motor Vehicles Notification" section of this policy to review for completeness (dates, times, signatures, etc.) and forward the originals of the documents to the Traffic Division.

508.5.2 TRAFFIC DIVISION RESPONSIBILITY
The Traffic Division is responsible for the following:

(a) Copies of documents required by DMV are to be made for the department files and the originals are then to be forwarded to the Department of Motor Vehicles.
(b) Providing a copy of DMV form DS367, DS367m or DS367s to the Records Unit.
(c) One copy of the Forensic Alcohol Examination Report shall be attached to the second copy of form DS367, which shall then be forwarded to the Records Unit.
(d) The Traffic Division is also responsible for keeping and updating a case log on all persons arrested for impaired driving. Information on that log shall include:
Administrative Per Se Law (APS)

1. Case number
2. Arrested driver’s name
3. The date the forms were received in the Traffic Division
4. The date the forms were returned to the officer for corrections if applicable
5. The date form DS367 was mailed to the DMV
6. Which test the arrested driver chose

If the Department of Motor Vehicles should return form DS367, DS367m or DS367s for corrections, the Traffic Division must notify the officer who made the arrest of the needed corrections. The officer shall make the corrections by lining out the incorrect information with a single line and initialing above the corrected area, including the date the correction was made. White out and strikeouts are not acceptable forms of correction. The form(s) shall then be returned to the Traffic Division to be returned to the Department of Motor Vehicles.

508.5.3 PROPERTY AND EVIDENCE TECHNICIAN RESPONSIBILITY
It is the responsibility of the property and evidence technician to promptly deliver physiological specimens to the designated crime lab as soon as possible after receipt to ensure that the above time requirements are met.
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 San Leandro Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES
An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
   1. An initial statement from any witnesses or complainants.
   2. A cursory examination for evidence.
(b) If information indicates a crime has occurred, the officer shall:
   1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
   2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
   3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
   4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
   5. Collect any evidence.
   6. Take any appropriate law enforcement action.
   7. Complete and submit the appropriate reports and documentation.
(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES
A professional staff 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.
600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Chief of Police. 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. Statements from suspects shall continue to be summarized in a police report.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

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

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
**Investigation and Prosecution**

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 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.

600.6 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).

600.6.1 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
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accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.6.2 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.

600.7 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY
The Criminal Investigations Division Lieutenant is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.

2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.

3. Training requirements necessary for those authorized employees.

4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.

5. Process and time period system audits.

6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.

7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

600.8 DISCONTINUATION OF INVESTIGATIONS
The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
   1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
   2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.9 MODIFICATION OF CHARGES FILED
Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Bureau of Operations Captain or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 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
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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 San Leandro Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

(a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Criminal Investigations Division Commander should provide the Support Services Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Unit Policy for additional guidance.
Asset Forfeiture

601.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

601.1.1 DEFINITIONS
Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the San Leandro Police Department seizes property for forfeiture or when the San Leandro 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 (Health and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.

2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.

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.
**Asset Forfeiture**

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

### 601.2 POLICY

The San Leandro 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 San Leandro Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

### 601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

#### 601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.

2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).
Asset Forfeiture

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

601.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel’s current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect’s immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an “innocent owner,” such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.
Asset Forfeiture

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

601.5 MAINTAINING SEIZED PROPERTY
The Property and Evidence 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.

601.6 FORFEITURE REVIEWER
The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant
Asset Forfeiture

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.

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.
Asset Forfeiture

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department’s regular inventory is in accordance with all applicable laws and consistent with the department’s use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

601.7 DISPOSITION OF FORFEITED PROPERTY
Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer’s employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

601.7.1 RECEIVING EQUITABLE SHARES
When participating in a joint investigation with a federal agency, the San Leandro Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

601.8 CLAIM INVESTIGATIONS
An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification
Asset Forfeiture

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).
Sexual Assault Investigations

602.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS
Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY
It is the policy of the San Leandro Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS
The investigators assigned to the Special Victims Unit have the responsibility of investigating sexual assaults. 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.
Sexual Assault Investigations

602.4 REPORTING
In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 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 Criminal Investigations Division Lieutenant should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 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 circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.6.1 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).
Sexual Assault Investigations

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.6.2 VICTIM CONFIDENTIALITY
Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE
Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.7.1 COLLECTION AND TESTING REQUIREMENTS
Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of
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collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.7.2 DNA TEST RESULTS
A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim’s case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim’s authorized designee regarding the status of any DNA testing.

(b) Sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
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3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.

4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.7.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Unit supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.7.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

602.8 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 Criminal Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.9 CASE REVIEW

The Criminal Investigations Division 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:
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• 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.

602.10 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.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:
1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.
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 San Leandro Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the San Leandro Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY
The San Leandro 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)
(d) The Chief of Police or the authorized designee
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603.3.3 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY
To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Bureau of Operation Commander, Division Commander, Crime Suppression Unit supervisor or their authorized designees.
   1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the San Leandro Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.
   (a) Members shall not become intimately involved with an informant.
   (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Crime Suppression Unit supervisor.
   (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
   (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Crime Suppression Unit supervisor.
      1. Officers may meet informants alone in an occupied public place, such as a restaurant.
   (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
   (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
   (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.
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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 supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.
(b) The informant behaves in a way that may endanger the safety of an officer.
(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES
Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Crime Suppression Unit. The Crime Suppression Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau of Operations Captain, Division Commander, Crime Suppression Unit supervisor or their authorized designees.

The Criminal Investigations Lieutenant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Crime Suppression Unit 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
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content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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 Crime Suppression Unit supervisor will discuss the above factors with the Criminal Investigation Division Lieutenant and recommend the type and level of payment subject to approval by the Bureau of Operations Captain and Chief of Police.
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603.6.1 PAYMENT PROCESS
Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Crime Suppression Unit buy/expense fund.
   1. The Crime Suppression Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
   1. The check shall list the case numbers related to and supporting the payment.
   2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
   3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
   4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
   1. The cash transfer form shall include the following:
      (a) Date
      (b) Payment amount
      (c) San Leandro Police Department case number
      (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
   2. The cash transfer form shall be signed by the informant.
   3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS
Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.
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603.6.3 AUDIT OF PAYMENTS
The Crime Suppression Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.
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:

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 San Leandro 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 EYEWITNESS IDENTIFICATION
Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

• The individual was apprehended near the crime scene.
• The evidence points to the individual as the suspect.
• Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).
Eyewitness Identification

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM
The Criminal Investigations Division Lieutenant shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.
(b) The name and identifying information of the witness.
(c) The name of the person administering the identification procedure.
(d) If applicable, the names of all of the individuals present during the identification procedure.
(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
(j) A statement from the witness in the witness’s own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 INTERPRETIVE SERVICES
Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.6 DOCUMENTATION
A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.
Eyewitness Identification

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS
The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION
If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS
When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.7.1 OTHER SAFEGUARDS
Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that 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, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when
Eyewitness Identification

independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) 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.

604.9 RESCINDED POLICY

This policy rescinds San Leandro Operations Directive 86-02.
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 San Leandro Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 DISCLOSURE OF INVESTIGATIVE INFORMATION
Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

605.3 POLICY
The San Leandro 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 San Leandro 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.

605.4 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
Brady Material Disclosure

information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.5 DISCLOSURE OF PERSONNEL INFORMATION
Whenever it is determined that Brady information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of Brady information in the officer’s personnel file.

(b) The prosecuting attorney should then be requested to file a Pitchess motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant Brady information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

   1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.6 TRAINING
Department members should receive periodic training on the requirements of this policy.
Warrant Service

607.1 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.

607.2 POLICY
It is the policy of the San Leandro 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.

607.3 TRAINING
The Professional Standards and Training Unit should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.4 TACTICAL OPERATIONS COMMANDER
The Tactical Operations Commander will 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.

If warrants are categorized as non-high risk, the designated Incident Commander will have the responsibility of coordinating the service of those warrants. Nothing in this policy precludes a Division Commander from consulting with the Tactical Operations Commander in non-high risk warrant service.

607.5 SEARCH WARRANTS
Officers should consult with a supervisor before preparing a search warrant application. Officers assigned as case agents shall complete a risk assessment form as outlined in the Operations Planning and Deconfliction Policy.

607.6 NO-KNOCK WARRANT
A no-knock warrant is a warrant signed by a judge or magistrate at the request of a peace officer authorizing officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises.
**Warrant Service**

The use of no-knock warrants could lead to situations that endanger members of the community and police officers and are therefore prohibited.

This policy in no way restricts officers from lawfully entering premises in the case of emergent exigent circumstances such as protecting life.

### 607.7 HIGH-RISK WARRANT SERVICE

The Tactical Operations Team Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall determine 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 are applicable and are included in the Tactical Operations Plan:

(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 in accordance with the PVRS policy.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain 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.

### 607.8 ARREST WARRANTS

Officers assigned as case agents shall complete a risk assessment form as outlined in the Operations Planning and Deconfliction Policy.

The assigned Commander should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.
Warrant Service

607.9 WARRANT PREPARATION
An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant’s training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS
The Bureau of Operations Captain, or designee, will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the on-duty watch commander. The 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 Commander should ensure that members of the San Leandro Police Department are utilized appropriately. Any concerns regarding the requested use
of San Leandro Police Department members should be brought to the attention of the Bureau of Operations Captain. If the Watch Commander determines the service of the warrant is high risk, the procedures outlined in the Operations Planning and Deconfliction Policy will be followed. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If officers intend to serve a warrant outside San Leandro Police Department jurisdiction, the commander overseeing the operation should ensure reasonable advance notice is provided 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 San Leandro Police Department when assisting outside agencies or serving a warrant outside San Leandro Police Department jurisdiction.

607.11 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Names and circumstances of those detained, shall be documented in the case report. Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.12 ACTIONS AFTER WARRANT SERVICE

The Division Commander 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.

607.13 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.
Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE
This policy provides guidelines for planning, deconfliction and execution of planned operations. Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS
Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY
It is the policy of the San Leandro 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.

608.3 MEDIA ACCESS
No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

608.4 TACTICAL OPERATIONS COMMANDER
The Tactical Operations Commander will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Tactical Operations Commander will review risk assessment forms with involved supervisors if the particular incident qualifies as a high-risk operation. The Tactical Operations Commander will also have the responsibility for coordinating operations that are categorized as high risk.

In non-high risk operations, the designated Incident Commander will have responsibility of reviewing risk assessment forms and coordinating the operation.

Nothing in this policy precludes a Division Commander from consulting with the Tactical Operations Commander in non-high risk operations.

608.5 RISK ASSESSMENT

608.5.1 RISK ASSESSMENT FORM PREPARATION
When operationally feasible, officers assigned as a case agent for any operation shall ensure a risk assessment form is completed.
Operations Planning and Deconfliction

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.5.2 RISK ASSESSMENT REVIEW
Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and division commander.

The supervisor and Division Commander 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.

608.5.3 HIGH-RISK OPERATIONS
If, after completing the risk assessment form, the supervisor and Division Commander feel the operation is high risk, they shall consult with the Tactical Operations Commander.

If the Tactical Operations Commander determines that the operation is high risk, the Tactical Operations Commander 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:
Operations Planning and Deconfliction

1. Tactical Operations Team
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Additional surveillance
7. Canines
8. Property and Evidence Unit or analytical personnel to assist with cataloguing seizures
9. Forensic specialists
10. Specialized mapping for larger or complex locations
11. Rescue Vehicle (refer to the Rescue Vehicle policy)
12. Unmanned Aerial System (refer to the Unmanned Aerial System Operations policy)

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

608.6 TACTICAL OPERATIONS TEAM PARTICIPATION
If the Tactical Operations Commander determines that the Tactical Operations Team participation is appropriate, the Commander and the Tactical Operations Team Leaders shall work together to develop an operations plan. The Tactical Operations 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 Tactical Operations Team Commander shall transfer control of the scene to the primary supervisor. This transfer should be communicated to the officers present.

608.7 OPERATIONS BRIEFING
A briefing shall be held prior to the commencement of any pre-planned high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) A roster of those present at the briefing shall be kept with the operations plan.

(b) The briefing shall include a verbal review of plan elements, including the search/arrest warrant, using visual aids, to enhance the participants’ understanding of the operations plan.
Operations Planning and Deconfliction

(c) All participants should be provided a copy of the operations plan and search/arrest warrant, if applicable. Any items to be seized should be identified at the briefing.

(d) The Tactical Operations Commander shall ensure that all participants are visibly identifiable as law enforcement officers.

1. Exceptions may be made by the Tactical Operations Commander 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.

(e) The briefing shall include details of the communications plan.

1. It is the responsibility of the Tactical Operations 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.

608.8 DECONFLICTION - WESTERN STATES INFORMATION NETWORK (WSIN)
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 case agent lead shall ensure the subject of investigation and operations information have been entered into WSIN 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 case agent should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.9 OPERATIONS PLAN
The Tactical Operations Commander and/or Division Commander shall ensure that a written operations plan is developed for all pre-planned.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:
Operations Planning and Deconfliction

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. Incident Commander.

2. Case Agent, responsible for compliance of warrant service procedures.

3. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

4. How all participants will be identified as law enforcement.

5. Press Information Officer.


(e) Whether WSIN 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/policies.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, maps to the closest hospital and closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
Operations Planning and Deconfliction

(k) Press and City Council notifications

(l) Responsibilities for writing, collecting, reviewing and approving reports.

608.9.1 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 final operations plan shall be forwarded to the Bureau of Operations Captain to be stored separately and retained in accordance with the established records retention schedule.

608.10 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 Tactical Operations Team debriefing.

608.11 TRAINING
The Professional Standards and Training Unit, in coordination with the Tactical Operations Commander, should ensure officers and Tactical Operations Team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.
Evidence Response Team

609.1 PURPOSE AND SCOPE
The purpose of this policy is to define the responsibilities and supervision of personnel assigned to the Evidence Response Team (ERT).

609.2 ADMINISTRATION AND SUPERVISION
(a) The Program Manager shall administer the Evidence Response Team.
(b) Supervision and specialized training will be the responsibility of the Program Supervisor.
(c) Crime Scene supervision shall be at the direction of the supervising case detective responsible for prosecution.
(d) The team leader shall be responsible for crime scene processing, evidence collection, packaging, and report preparation.

609.3 GOALS OF THE EVIDENCE RESPONSE TEAM
(a) Promote a team approach to processing major crime scenes.
(b) Provide specialized training in the collection and preservation of evidence.
(c) Assure the proper search, discovery, handling, packaging, and controlling of all items that have evidentiary value up to, and through, all court proceedings.

609.4 TEAM LEADER RESPONSIBILITIES
(a) Command or Supervisory personnel may call for the deployment of the Evidence Response Team whenever the investigation warrants such a response.
(b) Once the decision to utilize the Evidence Response Team is determined, the Team Leader will assess the appropriate personnel needed to process the crime scene.
(c) The Team Leader will be responsible for assigning duties to the responding ERT members.
(d) The Team Leader shall oversee the evidence collection process, and assure that complete and accurate evidence reports are submitted.

609.5 TEAM MEMBERS RESPONSIBILITIES
Photographer: will accurately memorialize the crime scene
Sketch Artist: will accurately record the dimensions of the crime scene and related evidence locations.
Evidence Custodian: shall record the evidence location and recovery.
Evidence Recovery Officer: shall properly label, package, and preserve the chain of custody of collected evidence.
Evidence Response Team

609.6 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 98-01.
Unmanned Aerial System (UAS) Operations

610.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines and protocol for the deployment and use of the Unmanned Aerial System (UAS) including the retention and/or destruction of media obtained using the UAS in accordance with applicable Federal law, State law, and City regulations.

610.1.1 DEFINITIONS
Certificate of Authorization (COA): Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.
Observer: A member of the San Leandro Police Department who is trained and authorized to maintain visual observation of the UAS while in flight.
Operator: A member of the San Leandro Police Department who is trained, certified and authorized to control a UAS during flight.
Unmanned Aerial Vehicle (UAV): A small, unmanned aircraft weighing less than 55 lbs.
Unmanned Aerial System (UAS): Consists of a UAV, the command system, a secure control link and other safety and support systems for operation of the UAS.

610.2 POLICY
The UAS may be utilized to enhance the department’s mission of protecting lives and property. Any use of the UAS will be in strict accordance with constitutional and privacy rights, FAA regulations, and department policy.

610.3 PRIVACY
The use of the UAS potentially involves privacy considerations. Personnel will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the UAS. Operators will take reasonable precautions to avoid inadvertently recording or transmitting images that infringe upon an individual’s right to privacy. This includes consideration by the operator on when to turn on/off the recording function, and the route of the UAS during deployment.

610.4 USE OF UAS
The Chief of Police, Captain, Watch Commander, or Sergeant may authorize the deployment of the UAS under the following circumstances:
(a) Public safety and life preservation missions including, barricaded suspects, hostage situations, active shooters, apprehension of armed and/or dangerous fleeing suspects, and high-risk search warrants;
(b) Mass casualty events;
(c) Lost or missing persons;
(d) Rescue events;
(e) Disaster response and recovery;
Unmanned Aerial System (UAS) Operations

(f) Suspected explosive devices;
(g) Fire suppression or investigation;
(h) Hazardous material releases;
(i) Post-incident scene preservation and documentation;
(j) Pursuant to a search warrant;
(k) Special Events;
(l) When there is probable cause to believe that the UAS will record images of a place, thing, condition, or event, and that those images tend to show a felony has been committed, or tends to show that a particular person has committed a felony.
(m) Anytime a UAS would enhance public safety, improve operational safety, incident stabilization or incident mitigation as determined by the authorizing person;
(n) Anti-UAV operations when a person is operating a UAV in a manner which impedes emergency personnel who, in the course of their duties, are coping with an emergency (refer to Penal Code § 402(a)1);
(o) Training missions;
(p) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

610.4.1 CALLOUT PROCEDURE

(a) The Watch Commander shall make a request via dispatch for qualified UAS team members to respond and deploy the UAS.
   1. Dispatch will call a UAS Team Supervisor who will coordinate the callout details with team members.
   2. If a UAS Team Supervisor is unavailable, or if specified by the Watch Commander, Dispatch will request outside assistance from another law enforcement agency that has a UAS program.

(b) The UAS team members will handle all UAS operations, notifications and all necessary pre-flight guidelines required by the FAA.

(c) If an outside agency responds to our request, they will be responsible for obtaining any additional authorizations for the operation from the FAA.
   1. Following an outside agency assisted UAS operation, the San Leandro Police case agent shall meet with the UAS operator to collect the data recorded by the UAS and submit it in accordance with the Evidence Collection and Retention section of this policy.

610.5 PROHIBITED USE
The UAS shall not be weaponized, nor shall it be used to:

(a) To conduct random surveillance activities;
(b) To target a person based solely on individual characteristics, such as race, ethnicity, national origin, religion, disability, gender or sexual orientation; or
Unmanned Aerial System (UAS) Operations

(c) Conduct any business other than official Department business.

610.6 EVIDENCE COLLECTION AND RETENTION

Following a UAS operation by the San Leandro Police Department, the UAS operator shall submit and/or upload the video(s) recorded by the UAS into the approved digital evidence management system. The collection and uploading of the video(s) will be documented in an incident report by the operator.

(a) Data collected by the UAS shall be retained in compliance with the City’s records retention schedule, or retained as evidence of a crime.

(b) Unauthorized use, duplication, and/or distribution of UAS videos are prohibited. Personnel shall not make copies of any UAS videos for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS videos. All recorded media, images and audio are the property of the San Leandro Police Department and shall not be copied, released or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

(c) Departmental request for a UAS video, including requests from the District Attorney’s Office or City Attorney’s Office, shall be forwarded as a written request via e-mail, to the Property Unit, with sufficient information to locate the UAS video.

(d) Non-Departmental Requests for a UAS video shall be accepted and processed in accordance with Federal, State, and local laws, and departmental policy (discovery, media inquiries, subpoenas, Public Records Act requests, etc.).

1. When practical, Department personnel will be advised prior to any release of UAS video under the California Public Records Act (CPRA).

(e) Request for Deletion of Accidental Recordings

1. In the event of an accidental activation and recording by the UAS, the recording employee may request that the UAS video be deleted by submitting an e-mail request to the Patrol Division Commander with sufficient information to locate the UAS video. The Patrol Division Commander shall review the video, approve or deny the deletion request, and forward to the System Administrator for action if applicable.

2. Videos made during authorized department training will be viewed and/or retained for training purposes and then may be retained or deleted with the authorization of a lieutenant. Retained files will be stored in approved training files or the digital management system.

(f) Copying Procedures

1. A copy of the UAS video can be requested in accordance with the provisions of this policy.

2. Property Officers will be responsible for handling evidence request for DVD copies and online sharing of videos produced by the UAS camera system for court and other approved request by the Chief of Police or his/her designee.
Unmanned Aerial System (UAS) Operations

(g) A UAS video may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a UAS video for such purpose may come from any source outlined below:

1. An employee recommending utilization of a UAS video for training purposes shall submit the recommendation through the chain of command to the Chief of Police.

2. If approved, the approval will be sent to the Property Unit. A copy of the video will be placed in the UAS Training file on the G: drive. This file will hold all training videos. Videos may not be moved to other files, copied or sent beyond this file.

3. If an involved officer or employee objects to the showing of a UAS video, his/her objection will be submitted to their supervisor to determine if the employee’s objections outweigh the training value. The Bureau Captain shall review the recommendation and determine how best to utilize the UAS video file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the video versus other means (e.g., departmental policy, Training Bulletin, Officer Safety Bulletin, briefing or other training).

610.7 ROLES AND RESPONSIBILITIES
The roles and responsibilities for UAS Program members are as follows:

(a) Program Coordinator— a Sergeant or Lieutenant who manages the UAS Program and ensures the program operates in accordance with all Federal, State and local laws, and within department policy and guidelines. In addition, the Program Coordinator will:

1. Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.

2. Ensure operators and observers stay current with their training and certifications.

3. Maintain contact with the FAA and familiarity with the pertinent FAA regulations.

4. Evaluate airframes based on mission needs.

5. Remain up to date with current UAS case law, best practices, and industry standards.

(b) Team Supervisor – A Sergeant who is assigned as the Program Coordinator, or assists the Program Coordinator with their roles and responsibilities.

(c) Operator—the operator’s role is to safely operate the UAS in accordance with all applicable law and policy.

1. The operator may reject a flight based on personnel safety or violation of FAA regulations.

2. The operator shall be responsive to requests and input from the observer in order to accomplish the safe and effective deployment of the UAS.

3. Operators are responsible for mission documentation and updating the flight book.
观测员—观测员的角色是协助操作员安全有效地操作无人机。观测员应:

1. 协助操作员避开障碍物
2. 操作无人机的任何附件
3. 对操作员和观测员周围的任何安全问题保持警惕
4. 处理无线电通讯。

610.8 取消政策
此政策取消了San Leandro Lexipol政策436。
3238927.1
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 including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on a Property Replacement Form and submitted to the employee’s immediate supervisor. The supervisor may require a separate written report or memorandum of the loss or damage.

The supervisor shall forward the form and any report or memorandum to the Professional Standards and Training Unit Lieutenant. The supervisor may include any results of his/her investigation whether the employee followed proper procedures. The supervisor’s report or memorandum 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 Professional Standards and Training Lieutenant who will then forward the claim to the Finance Department.
Department Owned and Personal Property

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work. Claims for loss or damage to watches may not exceed one hundred dollars ($100.00).

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A Property Replacement Form and any written report or memorandum shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 UNIFORMS AND CIVILIAN CLOTHING
The acceptance and replacement liability to uniforms will extend to articles damaged or lost in the line of duty under emergency or hazardous conditions. This is interpreted to imply damage or loss which occurred while the employee was engaged in official duties over which the employee had little or no control.

The value to be claimed shall be determined by the original value of the article, its age and the extent of depreciation at the time of damage. Uniform clothing articles will generally be considered to have a 36-month service life for this policy, and reimbursement will be pro-rated accordingly.

Civilian clothing worn by members during their tour of duty comes within the classification of uniform for the purpose of this policy.

700.5 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.5.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.
Department Owned and Personal Property

700.6 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-14.
Personal Communication Devices

701.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of department-issued mobile telephones and communication devices for on-duty 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) 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 San Leandro Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any department issued PCD will be subject to monitoring and inspection consistent with the standards set forth in this policy.

701.2.1 DEFINITIONS
(a) PROGRAM ADMINISTRATOR: The appointed staff person managing the program and usage of personal PCD's for the department.

(b) PERSONAL COMMUNICATION DEVICE: Any communication device, including all mobile telephones, PCD's and similar wireless two-way communication and/or portable Internet access devices.

701.3 PRIVACY POLICY
Employees shall have no expectation of privacy with regard to any communication made with or stored in or passed through a department-issued PCD.

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD
Depending on a member’s assignment and the needs of the position, the Department may issue a PCD. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring.
Personal Communication Devices

701.5 USE OF PCD
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) All department PCDs shall be carried in an approved carrier/case.

(b) All PCD’s that access City of San Leandro resources are required to be password protected.

(c) A department owned PCD may not be used to conduct personal business, except for brief communications.

(d) Only department-issued PCD’s may be used to collect photographic, video or audio evidence during the course of an investigation. Any such evidence shall be downloaded and booked as evidence and then deleted from the PCD. All employee generated photographs and recordings, while acting in the course and scope of their duties, are considered the property of the City of San Leandro.

(e) Department-issued PCD's and all applications, programs, and software installed by the City of San Leandro shall be left intact and operating as they were installed and designed. No permanent or temporary applications, programs or software shall be purchased or added to a department-issued PCD without prior approval from the Program Administrator.

(f) All information in the PCD or transmitted is subject to the Public Records Act.

(g) The use of a PCD while driving can adversely affect safety and cause unnecessary distractions. Officers operating emergency vehicles should, when practical, stop the vehicle at an appropriate location to use the PCD (23123(d) CVC). Officers should use a hands-free device when the PCD use is necessary but stopping the vehicle is impractical.

(h) Employees, not exempt from 23123 CVC, shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use, (23123(a) CVC).

701.6 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 08-01.
Vehicle Maintenance

702.1 PURPOSE AND SCOPE
Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE
Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE
Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS
All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

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:

- Blanket
- Traffic cones
- Field dressing
- Fire extinguisher
- Road flares
- Stroll meter
- Sharps container
Vehicle Maintenance

702.4  VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.5  WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6  PROFESSIONAL STAFF EMPLOYEE USE
Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the “out of service” placards or light bar covers at all times. Professional Staff 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 San Leandro to provide assigned take-home vehicles.

703.2 POLICY
The San Leandro 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 Communication Center shall enter into CAD the members assignments and vehicle numbers at the start of each shift. This record shall be retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be noted in CAD.

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 notify the Communication Center and Watch Commander. A notation will be made in CAD indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

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 suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.
Vehicle Use

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 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). 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 may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require a Watch Commander's approval.

All data captured by the system shall be retained in accordance with the 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.

703.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride
Vehicle Use

as passengers in the vehicle, except as stated in the Ride-Along Policy, or authorized by the Chief of Police or Bureau Captain.

703.3.9 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 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.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle fleet manager.

703.3.12 PROFESSIONAL STAFF MEMBER USE
Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall 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 on-call use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

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 Watch Commander and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.
Vehicle Use

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the San Leandro 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 on-call 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 San Leandro is a prime consideration for assignment of an on-call vehicle.

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 on-call vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Bureau Captain 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 Bureau Captain 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 Division Commanders.

4. When the vehicle is being used by the Chief of Police, Bureau Captain or members who are in on-call administrative positions.

5. When the vehicle is being used by the scheduled on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
Vehicle Use

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.
   1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
   2. All weapons shall be secured while the vehicle is unattended.
   3. All department identification, portable radios and equipment should be secured.

(g) Vehicles should be parked off-street at the member’s residence. 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.
   1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
   2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and scheduled 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 San Leandro Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

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.

(b) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
Vehicle Use

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 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 commander.

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 inquiry should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 ATTIRE AND APPEARANCE
When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

703.8 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 Division Commander within five working days explaining the circumstances.
Rescue Vehicle Policy

704.1 PURPOSE AND SCOPE
The purpose of this policy is to provide direction for the usage, training, and storage of the regional MedEvac rescue vehicle.

704.2 USE OF THE MEDEVAC
The use of the MedEvac will be authorized by the field supervisor and, whenever practical, the on-duty/on-call Watch Commander. The use of the MedEvac will only be for supervisory approved purposes including, but not limited to, calls for service involving potentially armed subjects, Tactical Team callouts, search warrants, officer or citizen rescues, or authorized training. The vehicle's purpose is to provide an armored rescue resource for officers to use when managing critical incidents, where there is an objective risk to the safety of civilians and/or officers from a person who may be considered armed and dangerous.

The MedEvac vehicle shall not be deployed during non-violent demonstrations, including for crowd control and crowd management, unless there are objective facts demonstrating a risk of injury or death to police officers and/or the public. The MedEvac vehicle may be staged at pre-designated locations, away from protest sites, to allow for timely response. The vehicle may be used in cases of a declared unlawful assembly, and after a lawful dispersal order, where persons are engaged in criminal behavior that presents an objective risk of injury or death.

The SWAT commander will maintain a vehicle usage log which may be provided to the City Council every 6 months, or as requested.

704.3 MEDEVAC OPERATION TRAINING
Periodic briefings and training will be conducted on the operation and deployment of the MedEvac. A valid class "C" California driver's license is required to drive the MedEvac. Supervisors shall submit training validation forms to document that staff members have received training.

704.4 MEDEVAC DEPLOYMENT CONSIDERATIONS
Staff has the discretion to deploy the rescue vehicle in those circumstances where there is an objective risk of injury or death to civilians and officers, and use of the vehicle may reduce or resolve said risks by facilitating safe police management of the critical situation and rescue of injured persons. Staff should:

- Assess the situation and based on the objective facts, determine that the discretionary use of the rescue vehicle may contribute to the safe resolution of a critical incident where there is a risk of injury or death to civilians or officers.
- Given proper authorization for deployment of the vehicle, staff should, whenever practical, create an operational plan for deployment of the vehicle consistent with this policy, current law and the department's Use of Force Policy.
- The vehicle may be used to locate and contain a threat by providing cover for officers, facilitating a rescue of an injured person, or as a tactical resource to allow officers to...
Rescue Vehicle Policy

take into custody a person who presents an objective risk of injury or death to civilians or officers.

In selecting the rescue team, the supervisor should consider experienced personnel, such as Tactical Team Operators and/or former Tactical Team members, Hostage Negotiators and officers who have received Crisis Intervention Training (CIT). In addition, the rescue team should include a Medic or TEMS officer (Tactical Emergency Medicine Support), rescue carriers, cover officers and officers equipped with less lethal force equipment.

Fire and ambulance personnel should be ready to accept injured persons at the termination point of the rescue.

704.5 USE OF THE MEDEVAC BY OUTSIDE AGENCIES
The on-duty supervisor shall approve the use of the MedEvac by outside agencies for emergency purposes. If time allows, at least one on-duty Tactical Team officer shall deploy with the MedEvac to assist outside agency requests. This may include additional officers who have received training in advanced first aid. The use of the MedEvac by outside agencies, for purposes other than emergencies, shall be authorized by the Tactical Operations Commander or on-call Captain.

704.6 MEDEVAC STORAGE
The MedEvac is a regional asset. It will be stored primarily at the San Leandro Police Department, or another area designated by the City. If the vehicle is in use and stored by one of the grant partners, the vehicle should be kept in a secured area, when possible.

704.7 MEDEVAC MAINTENANCE
Maintenance of the MedEvac is the responsibility of the Tactical Operations Commander. Officers from the Tactical Operations Team will routinely check the MedEvac and its equipment, including but not limited to, ensuring the battery is charged, the trickle charger is attached, the engine will turn over, and that the vehicle is in general working order. When reasonable, the vehicle should be fueled after each use.
Cash Handling, Security and Management

705.1 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.

705.2 POLICY
It is the policy of the San Leandro 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.

705.3 PETTY CASH TRANSACTIONS
The Record Unit Supervisor, or their designee, shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice, and requires a petty cash voucher. Transactions that are not documented by a receipt or invoice require an expense report.

705.4 PETTY CASH AUDITS
The Records Unit Supervisor, or designee, shall perform an audit no less than once every six months. This audit requires that the Records Unit Supervisor, or designee, Chief of Police review the transaction ledger and verify the accuracy of the accounting. The Records Unit Supervisor shall initial or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Finance Department. Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Finance Department. Chief of Police or the City.

705.5 PETTY CASH FUNDS
The Record Unit Supervisor, or their designee, Chief of Police is responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, and expense reports by the Records Unit Supervisor.

705.6 CASH DRAWER
Cash Handling, Security and Management

705.6.1 CASH DRAWER AND KEY SECURITY
The on-duty Records Unit employee will have sole responsibility for the cash drawer and key during his/her tour of duty, and may cause an accounting of the cash drawer at any time, including before and after breaks and mealtimes. Whenever possible, all cash drawer transactions shall be conducted by the Records Unit employee with the designated cash drawer responsibility.

705.6.2 CASH DRAWER DEPOSITS
Each transaction causing a change in the cash drawer balance shall be recorded on the "Record of Deposit" form. At the end of the workday, the Records Unit employee going off-duty shall conduct an accounting of the cash drawer contents and complete the "Record of Deposit" form.

The cash deposit envelope shall be completed by Records Unit personnel and shall bear the following minimum information:

- Date
- Amount of deposit
- Initials of the employee completing the deposit

The completed deposit envelope and contents shall then be placed in the safe located in the Records Unit, leaving only the established cash working fund in the cash drawer for the next day. The on-coming Records Unit employee shall start a new "Record of Deposit" form indicating the amount of cash on hand. A "Record of Deposit" form shall be completed for each day, even if no transaction occurred.

705.6.3 CASH DRAWER DISCREPANCIES
Any discrepancy shall be noted in the "comments" box on the "Record of Deposit" form. If the discrepancy is an overage in the accounting, the overage shall be treated as found property and shall be submitted to the Property Evidence Unit with the proper report form and case number generated. Overtages should be returned to the owner if identifiable.

705.6.4 RECORDS UNIT SUPERVISOR RESPONSIBILITY
The Records Unit Supervisor is responsible for ensuring that all personnel under their command abide by the provisions of this policy, and shall conduct periodic inspections of all procedures. If the supervisor is notified of a cash drawer discrepancy, the supervisor shall:

(a) Determine the case of the accounting problem, if possible;
(b) Submit a memorandum to the Support Services Manager explaining any unresolved discrepancy. The memorandum shall contain the facts of the case, copies of any documentation, and factual determinations of negligence or violation of policy, and any action taken.

705.6.5 RECORDS UNIT STAFF RESPONSIBILITY
(a) Each workday, Records Unit staff shall remove all deposits from the Records Unit safe.
(b) The Records Unit staff shall verify all deposits submitted.
Cash Handling, Security and Management

(c) Discrepancies discovered by the Records Unit staff shall be reported immediately to the on-duty supervisor.

(d) The Records Unit staff shall be responsible for the accounting and separation of bail payments from other monies received.

(e) The Records Unit staff shall prepare all necessary cash bail vouchers, deposit slips and related reports as required by the City Finance Department.

(f) The Records Unit staff shall be responsible for the transmission of all collected monies to the City Finance Department.

705.6.6 RECORDS UNIT SAFE ACCOUNTABILITY
Access to the safe and contents shall be restricted to the Records Unit staff and the Records Unit Supervisor.

705.7 ROUTINE CASH HANDLING
Those who handle cash as part of their property or Crime Suppression Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

705.8 OTHER CASH HANDLING
Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

705.9 ACCOUNTABILITY
Any unauthorized deviation from this policy, fabrication or records or reports associated with the cash drawer procedures, or misappropriation of funds shall result in disciplinary action, up to and including the possibility of termination of employment, and could lead to criminal prosecution.

705.10 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 84-12.
Department Key Control

706.1 PURPOSE AND SCOPE
The purpose of this policy is to identify an orderly and accountable system for the control of City keys, which are issued to members of the Police Department for use during the course of their official duties.

706.2 POLICY
The policy of this Department is to maintain a formal key control system to ensure the integrity and security of vehicles and property in the charge of the Agency.

706.3 ISSUANCE OF KEYS
Building Keys:
Building keys will be issued to Department employees by the Professional Standards and Training Unit. The Professional Standards and Training Unit shall maintain a key control file indicating to whom keys were issued and listing the number or type of key issued to each person.

Keys will be issued only to those persons with a specific need to possess the key. Responsibility for identifying who may possess a particular key shall rest with the Bureau of Services Captain.

Employees are not to be issued more than one of the same type of key. Duplicates shall be returned to the Professional Standards and Training Unit.

The Professional Standards and Training Unit shall maintain a secure key locker for the storage of extra building and special purpose keys.

Vehicle Keys:
The issue and control of keys for Departmental vehicles shall be the responsibility of the Patrol Administrative Sergeant.

706.3.1 LOSS OF BUILDING OR VEHICLE KEYS
Loss of any Department key must be reported, in writing, to the employee's Supervisor, with a copy forwarded to the Professional Standards and Training Lieutenant.

Duplicate keys will not be issued until written notification is received by the Professional Standards and Training Lieutenant and the key control file is updated.

706.3.2 EMERGENCY KEY ACCESS
As required for the efficient operation of the Department, special access keys (i.e., jail by-pass key) and duplicates of essential keys (i.e., key to the City Hall facility) will be maintained in a locked key cabinet outside the Patrol Sergeant's office.

The Professional Standards and Training Unit shall be responsible for the security of these keys and shall ensure that these keys are made available to other persons only when essential for the conduct of official City business.
**Department Key Control**

706.3.3 DUPLICATION OF KEYS
Employees are prohibited from duplicating any Department key without the authorization of the Bureau of Services Captain.

706.3.4 LOAN OF KEYS
Employees are prohibited from lending or borrowing any Department key, which they are ineligible to use.

706.3.5 RETURN OF KEYS
At the conclusion of any lateral or special assignment, those keys issued to an employee for the purpose of that assignment (i.e., Technician key, Criminal Investigation Division key) must be returned to the Professional Standards and Training Unit, so that the key control file can be properly updated.

Employees are prohibited from giving special assignment keys directly to their replacements, without going through the Professional Standards and Training Lieutenant.

If the employee's need for a specialty key continues after the conclusion of a lateral or special assignment, permission to retain the key must be obtained from the Bureau of Services Captain.

At the time of termination of employment, Department keys must be turned in to the Professional Standards and Training Lieutenant on, or prior to, the final day of employment.

706.4 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 84-11.
Military Equipment Funding, Acquisition, and Use Policy

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** – San Leandro City Council.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.
Military Equipment Funding, Acquisition, and Use Policy

707.2 POLICY
It is the policy of the San Leandro 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) Act 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 the San Leandro 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 23 05 15.pdf

707.5 APPROVAL
The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. 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.
Military Equipment Funding, Acquisition, and Use Policy

(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.

707.5.1 PREVIOUSLY-APPROVED EQUIPMENT

For all previously-approved equipment, the Department has the authority to purchase replenishment items throughout the year as needed to maintain adequate inventory due to use, breakage, or expiration.

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any department member or other law enforcement agency engaged in a collaborative effort with the department within this jurisdiction unless the military equipment is approved for use in accordance with this policy. Outside agencies providing mutual aid in San Leandro or otherwise independently engaged in law enforcement operations within San Leandro, shall comply with their respective departmental policies.

707.7 USE IN EXIGENT CIRCUMSTANCES

If there is a good faith belief that an emergency involving the danger of, or imminent threat of, death or serious physical injury to any person or destruction of property is occurring, has occurred, or is about to occur, and with the approval of the Chief of Police or designee, the department may acquire, borrow and/or use military equipment that is not included in the military equipment inventory section of this policy.

In accordance with this section, if the department acquires, borrows, and/or uses military equipment in exigent circumstances, it must take all of the following actions.

(a) Provide written notice of the acquisition or use to the City Council within 30 days following commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.

(b) If it is anticipated that the use will continue beyond the exigent circumstance, submit a proposed amended military equipment policy to the City Council within 90 days following the borrowing, acquisition and / or use, and receive approval for continued use.
Military Equipment Funding, Acquisition, and Use Policy

(c) Include the equipment in the department's next annual military equipment report.

707.8 ANNUAL REPORT
Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the 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.

707.9 COMMUNITY ENGAGEMENT
Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting at a regularly scheduled Community Police Review Board Meeting, at which time the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.
Chapter 8 - Support Services
Crime Analysis

800.1 PURPOSE AND SCOPE
Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 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 Center

801.1 PURPOSE AND SCOPE
This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY
It is the policy of the San Leandro 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.

801.3 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.

Access to the Communications Center shall be limited to the Communications Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

801.4 RESPONSIBILITIES

801.4.1 DISPATCH SUPERVISOR
The Chief of Police shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Support Services Manager or the authorized designee.

The responsibilities of the Dispatch Supervisor 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) Maintaining the Communications Center database systems.
(f) 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.
Communications Center

2. Ensuring dispatcher compliance with established policies and procedures.

   (g) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

   (h) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

801.4.2 ADDITIONAL PROCEDURES
The Dispatch Supervisor should establish procedures for:

   (a) Recording all telephone and radio communications and playback issues.

   (b) Storage and retention of recordings.

   (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

   (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

   (e) Assignment of field members and safety check intervals.

   (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

   (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

   (h) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).

   (i) Handling misdirected, silent and hang-up calls.

   (j) Handling private security alarms, if applicable.

   (k) Radio interoperability issues.

801.4.3 DISPATCHERS
Dispatchers report to the Dispatch Supervisor. 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).
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 four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications 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.
Communications Center

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.

Emergency calls should be dispatched as soon as practical. The Watch Commander or Field Supervisor shall 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 Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant’s supervisor and processed through the chain of command.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
San Leandro Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.6.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.
801.7 DOCUMENTATION
It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident number or call service number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

801.8 CONFIDENTIALITY
Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, the dispatcher should ask the field unit if they are able to receive the confidential information or ask the field unit to call the Communication Center to ensure protection and safety.

801.9 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 and latent fingerprints.

Safekeeping - Includes the following types of property:
- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

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 tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

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:

(a) Complete the 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 initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right hand corner of the bag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker 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. The officer seizing the narcotics and dangerous drugs shall place them in the designated locker.

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. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Clerk is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

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 in the drying cabinet prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be submitted into an evidence locker.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property shall be placed in the bicycle conex box with the yellow alternative location form.

(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.

802.3.5 RELINQUISHED FIREARMS
Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).
Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property Clerk shall ensure the Support Services Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Unit Policy).

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 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 the designated narcotics locker. Prior to packaging, and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer’s report.

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 over the cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.
Property and Evidence

802.5 RECORDING OF PROPERTY
The Property Clerk receiving custody of evidence or property shall record his/her signature, the date and time the property was received and identifies where the property will be stored.

A property tag number shall be obtained for each item or group of items. This number shall be recorded on the property tag.

Any changes in the location of property held by the San Leandro Police Department shall be noted in the records management system.

802.6 PROPERTY CONTROL
Each time the Property Clerk receives property or releases property to another person, he/she shall update this information in the records management system. Officers desiring property for court shall contact the Property Clerk 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 on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor, detective, or court requested order.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Clerk. This request may be filled out any time after booking of the property or evidence.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, indicating the date and time in the records management system and the request for laboratory analysis.

The Property Clerk releasing the evidence must update the required information in the records management system. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the Property Clerk will update the chain of custody in the records management system.

802.6.3 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be updated in the records management system, stating the date, time and to whom released.

The Property Clerk shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be updated in the records management system, indicating date, time, and the person who returned the property.
802.6.4 AUTHORITY TO RELEASE PROPERTY

The Criminal Investigations Division 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 signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property will be held for 90 days, and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) it 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 Clerk shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property, the records management system will be updated with this information.

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, magazine or ammunition 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 available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).
Property and Evidence

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 Criminal Investigations Division will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

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 Clerk 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 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.
**Property and Evidence**

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 San Leandro 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 Clerk 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.

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.)
Property and Evidence

- 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
(d) Any sexual assault victim
(e) The Criminal Investigations Division Commander

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence 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 Criminal Investigations Division Commander.
Property and Evidence

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 Criminal Investigations 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 Division Commander (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.

802.9 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 83-14 and 87-32.
Records Unit

803.1 PURPOSE AND SCOPE
This policy establishes the guidelines for the operational functions of the San Leandro Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

803.1.1 NUMERICAL FILING SYSTEM
Case reports are filed numerically within the Records Unit by Records Unit personnel.

Reports are numbered commencing with 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 YYYY-00001 would be the first new case beginning January 1 of a new year.

803.2 POLICY
It is the policy of the San Leandro Police Department to maintain department records securely, professionally, and efficiently.

803.2.1 REQUESTING ORIGINAL REPORTS
Generally, original reports shall not be removed from the Records Unit. Should an original document be needed for any reason the requesting employee shall first obtain authorization from the Records Unit Supervisor.

803.3 DETERMINATION OF FACTUAL INNOCENCE
In any case where a person has been arrested by officers of the San Leandro 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 Criminal Investigations Lieutenant. The Criminal Investigations Lieutenant, or their designee, 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 Criminal Investigations Lieutenant, or their designee, shall forward the petition to the City Attorney for review. After such review and consultation with the City Attorney, the Criminal Investigations Division Lieutenant, or their designee, shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Unit Employee assigned to records sealing, shall ensure that the arrest record and petition are sealed for destruction three years after arrest and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).
Records Unit

The Criminal Investigations Lieutenant, or their designee, 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.

803.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING
The Criminal Investigations Division Lieutenant should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.
(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.

803.5 FILE ACCESS AND SECURITY
The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.5.1 ACCESS SECURITY PROTOCOLS
All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure database and accessible only to department personnel. Access to confidential or locked reports may be obtained, with permission, through the appropriate supervisor personnel.

San Leandro Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law. It is the policy of the San Leandro Police Department to maintain department records securely, professionally and efficiently.

803.6 CONFIDENTIALITY
Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records
Records Unit

Maintenance and Release and Protected Information policies and the Records Unit procedure manual.
Policy 804
San Leandro Police Department
San Leandro PD Policy 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 San Leandro Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

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.

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.
**Restoration of Firearm Serial Numbers**

**804.2.3 OFFICER RESPONSIBILITY**
The Property Clerk receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

**804.2.4 DOCUMENTATION**
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

**804.2.5 FIREARM TRACE**
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Clerk 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 San Leandro Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

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 § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department’s website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department’s website.
Records Maintenance and Release

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 § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for
Records Maintenance and Release

the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

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 § 6254.29).

(c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, 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, or both, pursuant to the requirements and time frames of Family Code § 6228.
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2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the department’s electronic technology systems (Government Code § 6254.19).
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(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 § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

805.6 SUBPOENAS AND DISCOVERY REQUESTS
Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

805.7 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.

805.8 SEALED RECORD ORDERS
Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Support Services 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.
805.8.1 SEALLED JUVENILE ARREST RECORDS
Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Support Services 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).

805.9 SECURITY BREACHES
The Support Services 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:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual’s financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data
- Genetic data

805.9.1 FORM OF NOTICE
(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.
2. Name and contact information for the San Leandro Police Department.
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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 San Leandro 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 San Leandro 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.

805.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.

2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:

   (a) Email notice when the Department has an email address for the subject person.

   (b) Conspicuous posting of the notice on the department’s webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

805.10 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 87-34.

805.11 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS
Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards and Training Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

805.11.1 DELAY OF RELEASE
Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

805.11.2 NOTICE OF DELAY OF RELEASE
When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

(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.

805.11.3 REDACTION
If the Custodian of Records, in consultation with the Chief of Police or authorized designee,
determines that specific portions of the recording may violate the reasonable expectation of
privacy of a person depicted in the recording, the Department should use redaction technology
to redact portions of recordings made available for release. The redaction should not interfere
with the viewer's ability to fully, completely, and accurately comprehend the events captured in
the recording, and the recording should not otherwise be edited or altered (Government Code §
6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a
person depicted in the recording, the Custodian of Records shall provide in writing to the requester
the specific basis for the expectation of privacy and the public interest served (Government Code
§ 6254(f)(4)).

805.11.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE
If the reasonable expectation of privacy of a person depicted in the recording cannot adequately
be protected through redaction, and that interest outweighs the public interest in disclosure, the
Department may withhold the recording from the public, except that the recording, either redacted
or unredacted, shall be disclosed promptly, upon request, to any of the following (Government
Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized
representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is
to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary,
designated immediate family member, or authorized legal representative of the
deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active
criminal or administrative investigation, the Custodian of Records shall provide the requester with
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written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).
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 San Leandro 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 San Leandro 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 San Leandro 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.
806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, San Leandro 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 need to know or right to know 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 Support Services Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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).
Protected Information

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).

806.6 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).

806.6.2 DESTRUCTION OF PROTECTED INFORMATION
Department members shall be responsible for using formal procedures to ensure protected information is securely disposed of when no longer required. Formal procedures for the secure destruction of protected information shall minimize the risk of sensitive information becoming comprised by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Members shall place protected information requiring disposal into designated shredder bins or personally shred the information to level P4 cross cut shredding standards or higher. The San Leandro Police Department may contract with a professional shredding/destruction company who disposes of information on site. Members shall observe that the contracted company has carried out the disposal/destruction of all protected information in accordance with current CJIS requirements.

806.7 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).
806.8  TRAINING
All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

806.9  RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 86-09 and 87-24.
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. 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.
Computers and Digital Evidence

4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

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.
Computers and Digital Evidence

(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.

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.

(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.
Inter-Agency Communication for Cross-Border Events

810.1 PURPOSE AND SCOPE
In an effort to enhance public safety and inter-agency communication, the San Leandro Police Department will utilize the Alameda County Inter-Agency Communication guidelines during incidents that cross-jurisdictional boundaries.

810.2 DEFINITIONS
EBRCS - the East Bay Regional Communications System is the radio communication system utilized by most agencies within Alameda and Contra Costa counties.
Patch - the connection of two different radio channels onto one channel for the purpose of shared transmissions.
PSAP – a Public Safety Answering Point or dispatch center.

810.3 NOTIFICATIONS
When incidents have the potential to cross over into other agencies’ borders, notifications should be made in a timely manner and before units enter, if practical. Notifications should include, at least, the nature of the incident, the number of officers involved, and the notifying agency should clearly communicate whether or not they need assistance. If appropriate, the notifying agency should provide contact information for the supervisor in charge of the event.

810.4 INITIATING AGENCY
The agency in control of a pursuit or other critical incident that crosses into another jurisdiction’s boundaries will retain control of the incident until the Watch Commander requests that the agency with immediate jurisdiction takes control.

If both agencies agree, the initiating agency will transfer control of communications and the incident to the agency with jurisdiction.

The Watch Commander from the agency with control will determine how to manage communications from the options below.

810.4.1 RADIO COMMUNICATION OPTIONS
(a) Ask all participating agency units to turn to the controlling agency’s primary or designated channel (if possible).
(b) If participating units do not have access to the controlling agency's channel, the initiating agency should request a mutual aid channel from the Alameda County Sheriff’s Office.

1. Ask all participating units to move to the mutual aid channel.
2. The initiating agency may patch their own channel to the mutual aid channel if their units are not in the position to switch to the mutual aid channel.
Inter-Agency Communication for Cross-Border Events

(c) If none of the other options are viable, agencies should remain on their own channel and provide a face-to-face interface for communications at the street level, while the dispatch centers will relay updates via phone to the other PSAP.

810.4.2 UNIFIED COMMAND
The controlling agency should establish and utilize unified command.

810.4.3 PLAIN ENGLISH
(a) When operating on another agency’s channel or on mutual aid channels, use only plain speech for their radio communications. Radio codes should be avoided to limit confusion.

(b) Unit identifiers should include the agency name and the identifier assigned by the agency and normally used by that unit to identify themselves, for instance, "San Leandro Police 1L21," to easily identify the units and the agency to which they belong.

810.4.4 TESTING
(a) The Alameda County Sheriff’s Office will develop and coordinate a county-wide testing schedule as outlined in the Inter-Agency Communications Testing Training Plan.

1. Testing will occur on a monthly basis.

2. Proctoring the test will rotate monthly to different agencies.

3. Testing will include switching to a mutual aid channel and/or patching to a mutual aid channel.

810.4.5 CONSIDERATIONS
(a) Some agencies identify their compass directions differently. Direction should be clearly established using landmarks and/or street and nearest cross street. For example, units traveling on E 14th Street would say "traveling on E 14th Street, from 159th Avenue towards 160th Avenue."

(b) When agencies are patched together on EBRCS, and an OFFICER NEEDS HELP button is pushed, the controlling agency will receive the transmission. If unable to identify the operator, a roll call or similar tactic should be utilized to identify the officer in possible distress.

(c) Switching channels during a pursuit may create an officer safety hazard; the timing of the channel switch should be considered to avoid this hazard.

(d) Termination of pursuits rests with the controlling agency.

(e) Supervision of the pursuit likewise rests with the controlling agency.

(f) Considerations should be made by units operating in a non-standard uniform, including civilian clothing with a vest and/or undercover attire not immediately identifiable to other officers/deputies, to identify themselves as law enforcement:

1. Any unit who participates in a pursuit in a non-standard uniform shall advise dispatch of their own description, including physical descriptors and clothing descriptions. Dispatch shall relay this information to all channels participating
in the incident and ensure this information is passed on to other agencies who may be involved.

2. Officers/deputies in non-standard uniforms shall also advise dispatch of any other information with regards to officer safety and identification, including descriptions of other units in non-standard uniforms and a description of their vehicle if using an unmarked unit.

**810.5 INTER-AGENCY COMMUNICATIONS TESTING TRAINING PLAN**

(a) Testing the Inter-Agency Communications plan will be done on the first Monday of each month. If there is a federal holiday, the testing will be on the second Monday of the month.

(b) The proctor of the test will rotate on a monthly basis and will be in alphabetical order of agencies on the EBRCS system.

(c) The testing time will commence at - 0800, 2000 and 0300. This will allow each shift to test on a monthly basis.

(d) Prior to each test, the proctor agency will call the on-duty Alameda County Sheriff’s Office Dispatch Supervisor to confirm ALCO Law 3 is available.

(e) Each agency will have at least one-unit switch to the ALCO Law 3 channel.

(f) The proctor agency will announce on the mutual channel that the testing is about to begin.

(g) The proctor agency will then patch their main channel to the mutual aid channel for a roll call.

(h) The proctor agency will call out each agency alphabetically. San Leandro Communications will respond first with "San Leandro PD Dispatch copies." Then a field unit will respond with SLPD and the appropriate unit number. Example, "SLPD 1L71 copies."

(i) The proctor agency will complete the Alameda County Testing Roll Call form and send to Alameda County within a week of testing. Each year the testing records will be submitted to ACCPSA.

(j) Once all agencies have acknowledged the roll call the proctor agency will announce the Inter-Agency Communications test is complete all agencies switch back to their main channels.

(k) The proctor agency will undo the patch of their main channel to the mutual aid channel and advise the on duty ACSO Dispatch Supervisor that the mutual aid channel is clear.

(l) It’s recommended that each agency sets an alert on the testing day to remind the dispatchers to participate.
Animal Control

811.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for animal control officers and San Leandro Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured/deceased animals, and the abatement of animal nuisances.

811.2 ANIMAL CONTROL OFFICER RESPONSIBILITY
Animal Control is currently classified as a Police Services Technician (PST). For the purpose of this Policy, the PST assigned to fulltime Animal Control duties shall be referred to as an Animal Control Officer (ACO). ACO’s shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO shall be under the operational control of the Traffic Division. The ACO’s assigned working hours will be scheduled by the Traffic Division Sergeant.

During hours when the ACO is on duty, requests for animal control services shall be assigned by the Communications Center or the Traffic Division

811.3 OTHER POLICE PERSONNEL RESPONSIBILITY
During hours when the Animal Control Officer is off-duty, or if the ACO is otherwise unavailable, animal related calls for service will be handled by the appropriate on-duty Police Services Technician or Patrol Officer as outlined in this policy. Any necessary follow up will be handled by the Animal Control Officer.

811.3.1 ANIMAL CRUELTY COMPLAINTS
Personnel shall conduct a preliminary investigation on all reports of animal cruelty and shall not hesitate to take any immediate actions deemed necessary. Any necessary follow up will be handled by Animal Control and Criminal Investigations, if needed.

811.3.2 STRAY DOGS
If the 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 contracted Animal Shelter or to the holding pens at the City of San Leandro Corporation Yard, making sure the animal has food, water, and bedding. In cases where the ACO is not available, the Watch Commander shall designate an alternate to transport so that any animals are not held in the holding pens unnecessarily for extended periods.

The ACO will transport any animals in the holding pens to the contracted Animal Shelter as soon as practical. Once a dog has been taken into custody, all releases should be handled by the Animal Shelter.
Animal Control

811.3.3 ANIMAL BITE REPORTS
Personnel shall obtain as much information as possible including statements and photographs if necessary. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO, so long as the animal can be properly secured. If the officer feels that the animal cannot be properly secured, the dog shall be taken to the City’s holding pens or to the contracted shelter. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

811.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Personnel shall obtain as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency. All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

811.4 INJURED ANIMALS
When any domestic injured animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an imminent danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code 597.1).

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic or Emergency and Critical Care Services Clinic.

(b) If after normal business hours, the animal should be taken to the authorized 24-hour Veterinary Emergency and Critical Care Services Clinic.

(c) The only exception to the above is when the animal is an imminent danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

1. When the immediate need to dispatch (kill) a seriously injured or dangerous animal is necessary, the department Firearms Policy and/or Chemical Immobilization procedures shall be followed. The decision to "dispatch" a seriously injured animal will rest with the on-duty Watch Commander or supervisor.

(d) When handling dead or injured animals, department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(e) 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.
Animal Control

(f) If injured wildlife cannot be handled in a safe manner, the Department of Fish and Wildlife, the Marine Mammal Center and/or Vector Control shall be contacted for assistance.

811.5 POST-ARREST PROCEDURES
The arresting officer should make a reasonable effort to ensure that animals or pets under an arrestee’s care will be provided with adequate care while that person is in custody or placed on temporary psychiatric evaluation hold (5150 W&I). This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

Relatives or neighbors may be contacted, with the owner’s consent, to care for the animals. If no persons can be found or the owner does not consent, the animal should be taken to the temporary holding pens at the City Corporation Yard or the contracted shelter. The call for service should be printed for any necessary follow up.

811.6 FERAL/STRAY CATS
The San Leandro Police Department does not respond to calls regarding feral/stray cats unless they are severely injured. Residents should be referred to a feral cat organization.

811.7 TRAPPED ANIMALS
The San Leandro Police Department should not be dispatched to privately trapped animals unless exigent circumstances exist.

Public wishing to trap wild animals shall be directed to Fish and Wildlife. San Leandro Police Department does not trap wild or domestic animals unless they are an imminent danger to the public.

811.8 CITATIONS
It should be at the discretion of the handling PST, officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

811.9 ANIMALS ON FREEWAYS AND FREEWAY ON AND OFF RAMPS
Dead animals on the freeway or freeway on or off ramps shall be referred to CAL-TRANS.

811.10 RESCUE OF ANIMALS IN VEHICLES
If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.
(b) Take steps to minimize damage to the vehicle.
(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
Animal Control

(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.

811.11 EUTHANASIA
DOMESTIC ANIMALS AND WILDLIFE

All reasonable attempts will be made by the responding PST or officer to transport injured or sick domestic animals to a veterinarian or rehabilitation center for care.

When injuries are such that treatment is not practical or transport would cause additional suffering or possible disease would jeopardize the health of other impounded animals, staff or public, the animal may be euthanized.

The ACO that performs the euthanasia shall document the animal's condition and the reason for the euthanasia in CAD and on required forms as outlined in the department’s Chemical Immobilization/Euthanasia procedures.

Animals may be euthanized for the following reasons:

(a) Animals exhibiting severe; contagious disease symptoms that would pose a threat to human or animal life;

(b) Animals whose temperament is a potential danger to staff or public as defined under State law;

(c) Animals with injuries so severe that transporting to a veterinarian or rehabilitation center would be inhumane or impossible to accomplish without causing additional injuries, pain, or death to the animal;

(d) Any wildlife when a rehabilitation center is unavailable or unable to accept;

(e) As directed by a veterinarian or supervisor.

Prescription drugs shall be issued to Animal Control Officers by the contracted animal shelter. Said drugs shall be tracked on forms as outlined in the department’s Chemical Immobilization/Euthanasia procedure. Expired and/or unserviceable prescription drugs shall be turned into the contracted animal shelter.

Except when being deployed, the prescription drugs shall be kept secured within the lock boxes of the animal control vehicles or in the safe located in the Traffic Office.

811.11.1 REQUIRED TRAINING
ACO’S will hold a current certificate, in accordance with State and Federal Laws, in Chemical Immobilization, Humane Euthanasia, California Penal Code § 832 PC Powers of Arrest and Firearms course, Taser Certification/Qualification, Baton/Bite Stick training and Pepper Spray course. ACO’s will also be required to attend an approved Animal Law Enforcement Training Academy as soon as practical.
811.12 DECEASED ANIMALS
Deceased animals on public property will be removed and properly disposed of by the on-duty PST/ACO. Officers will remove deceased animals that pose a hazard when a PST/ACO is not on duty. The deceased animals shall be placed in the carcass storage freezer located at the City Corporation Yard.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the freezer.

(b) No employee will be required to climb onto or under any privately owned structure, or steep terrain, for the purpose of removing deceased animals.

Deceased animals on private property should be bagged by the resident/business owner and placed on the curb for pick up by the ACO.

Privately owned animals:
SLPD will provide disposal service for owned animals for a fee (established by City Council). This fee shall be paid upon pickup. The ACO shall provide a receipt for payment at the time of pickup.

Small animals such as birds, rats, mice, and other small animals may be placed in a trash receptacle for disposal by the resident/business owner.
Animal Chemical Immobilization/Euthanasia

812.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the safe and effective use of chemical immobilization equipment and the drugs used to anesthetize animals.

812.1.1 DEFINITIONS
Chemical Capture - The immobilization of an animal for the purpose of capture. It is most commonly accomplished by projection delivery of a dart containing an anesthetizing drug from a remote delivery system (rifle, pistol, blowpipe, pole syringe). Chemical capture is used when all other methods of capture are exhausted or public safety and/or the safety of the Animal Control Officer are compromised.

Euthanasia - The act of humanely ending the life of a living being in order to end extreme suffering, typically as the result of a serious and irreversible injury or illness. When possible, injured animals (owned, domestic, stray and wildlife) will be transported to the nearest contracted veterinary facility or rehabilitation center, however, emergency euthanasia is occasionally necessary to be performed in the field.

812.2 TRAINING
The use of chemical immobilization equipment requires mandated training as set forth in the California Penal Code § 597.1 (a)(2)(A-D). Only trained and certified personnel are allowed to use chemical immobilization equipment.

Training requirements are as follows per Penal Code § 597.1 (a)(2)(B-E):

- PC 832 Course (Firearms Component Only)
- Completion of Euthanasia Training (as set forth in Section 2039 of Title 16 of the California Code of Regulations. Penal Code 597.1 (a) 2 (C).
- A minimum requirement of 4 hours of controlled substance training provided by a California Licensed Veterinarian
- Completed State and Federal Fingerprinting background checks and may not have any drug or alcohol related convictions.

812.3 DRUG TYPES/USE/STORAGE
Animal Control Officers will store drugs in a locked drug storage container mounted in the Animal Control vehicle while on duty. After hours, drugs are stored in a wall-mounted combination safe located in the Traffic Office.

- Ketamine/Xylazine mixture (Anesthetics)
- Sodium Pentobarbital (Euthanasia)
Animal Chemical Immobilization/Euthanasia

812.4 RECORDKEEPING
A Drug Log shall be maintained. Each drug vial is assigned a number with an accompanying Log Sheet. The Log shall contain the date, case number, amount used and signature of the authorized Animal Control Officer. When drug vial is spent, the accompanying Log Sheet will be returned to the Tri-City Shelter and a copy will be scanned into SLPD's Records Management System.

In addition, a Chemical Immobilization Form must be completed each time chemical immobilization occurs. These Forms will be stored in the Records Management System in accordance with Department recordkeeping requirements.

Oversight of drugs and logs will be the responsibility of the Traffic Sergeant.
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 San Leandro 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.

In addition to this policy, the San Leandro Police Department shall maintain a Jail Procedure Manual for guidance in the operation of the Jail.

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 San Leandro Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY
The San Leandro 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 24 hours from time of arrest.

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 San Leandro Police Department Jail but should be transported to a county jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into temporary 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.
Temporary Custody of Adults

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

(e) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(f) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).

(g) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).

(h) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

(i) Any individual who is obviously developmentally disabled (15 CCR 1057).

(j) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).

(k) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).

(l) 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 his/her supervision. Any individual in temporary custody must be able to summon the supervising member if needed. If the person in temporary custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

Whenever one or more female inmates are in temporary custody, there shall be at least one female employee who shall be immediately available and accessible to such females. In the event that none is readily available, the female in temporary 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 temporary custody is present (Penal Code § 4021).
No individual in temporary custody shall be permitted to supervise, control or exert any authority over other individuals in temporary custody.

900.3.3 STAFFING PLAN
The Patrol Administrative Sergeant is designated as the Jail Supervisor. The Jail Supervisor 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 Corrections Standards Authority (CSA) 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 CSA staff. The review and recommendations of the CSA 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 temporary 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 temporary custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY
The member 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 member should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving member 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, he/she shall be transported to the county jail or the appropriate mental health facility.

The member should promptly notify the supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to county jail or other facility.

900.4.1 SCREENING AND PLACEMENT
The member responsible for an individual in temporary custody shall (15 CCR 1050):

(a) Advise the supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
Temporary Custody of Adults

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
   (a) Continuous, direct sight and sound supervision.
   (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION
Consular notification may be mandatory when certain foreign nationals are arrested. The Bureau of Services Captain or designee 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 he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
   1. This notification should be documented.

(b) Determine whether the foreign national’s country is on the U.S. Department of State’s mandatory notification list.
   1. If the country is on the mandatory notification list, then:
      (a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.
Temporary Custody of Adults

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual’s file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS
Any time an individual is in temporary custody at the San Leandro Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the 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).

(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 San Leandro Police Department.

The supervisor 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 temporary 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.
Temporary Custody of Adults

(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 temporary custody.
(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  1. The supervisor should ensure that there is an adequate supply of clean blankets.
(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
(j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 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 shall be on-duty at all times.

Should a person in temporary custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody shall not be at the San Leandro Police Department. They shall 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 his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the supervisor 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 temporary custody has the right to make at least three completed calls.
Temporary Custody of Adults

to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual’s desire for further telephone access.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

900.5.6 RELIGIOUS ACCOMMODATION
Subject to available resources, safety and security, the religious beliefs and needs of all individuals in temporary custody shall 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.
Temporary Custody of Adults

900.5.7 FIREARMS AND OTHER SECURITY MEASURES
Firearms and knives 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 temporary custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM
In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in temporary custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries 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 Professional Standards and Training Unit 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 temporary custody or a relative (Penal Code § 825).
(b) Attorneys and bail bondsmen who need to interview an individual in temporary custody should do so inside a secure interview room.
(c) The individual in custody as well as the attorney or bail bondsman shall 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 temporary custody at this facility. Any individual in temporary custody who repeatedly fails to follow directions or facility rules shall be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct shall be documented and reported to the receiving facility (15 CCR 1081).

900.5.11 PRISONER MEALS
All meals served in the San Leandro jail facility shall be noted in the jail log. Feeding will be conducted three times a day when prisoners are in temporary custody. No more than 14 hours may transpire between the evening meal and breakfast. In no event will regularly schedule meals be withheld as discipline. All meals will be served under the supervision of the jail staff. All plastic spoons, food and beverage containers will be accounted for and removed after each meal.
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Prisoners who state they are on special diets prescribed by a physician will be transported to the county jail facility where their needs can be accommodated. Special diets that require intravenous or other specialized medical application will not be administered in the jail. In these events, the prisoner, if he/she must remain in temporary custody, will be transported to a hospital.

A prisoner count shall be conducted to determine the number of required meals. Prisoners refusing a meal shall be noted on the jail log. Jail staff shall wear gloves in preparation of the meals. Frozen meals shall be prepared according to manufacturer's specifications, and comply with minimum dietary requirements as specified by law. The Jail Supervisor shall ensure that the kitchen and all related equipment and supplies remain clean. Eating utensils, condiments and storage containers shall be clean and closed at all times.

Upon request, prisoners may be provided an extra dinner meal or sandwich, juice and/or milk, and some type of fruit to supplement regularly scheduled meals. It shall be the jail staff responsibility to note this on the jail log.

The San Leandro Police Department maintains an emergency feeding plan, which requires that one week worth of food and water be made available to all employees and prisoners if needed. Should an emergency occur requiring the plan to be activated, the Jail Supervisor or his/her designee will supervise this process. The food and water are maintained in the confines of the City Hall basement and the Marina Community Center storage room. The existing stock is rotated pursuant to expiration dates noted on the individual packaging.

900.6 USE OF RESTRAINT DEVICES

Individuals in temporary 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 San Leandro 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 temporary custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant shall be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody shall 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...
**Temporary Custody of Adults**

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, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property’s return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person’s signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The supervisor 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 he/she is released. Any damage noted to the cell shall be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual’s initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 30 minutes and in accordance with the Jail Procedure Manual.

**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 placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):

(a) Safety checks by department members shall occur no less than every 30 minutes and in accordance with the Jail Procedure Manual.

(b) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.
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(c) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY
The Bureau of Services Captain or designee will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the San Leandro 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 Criminal Investigations Division Commander.
(c) Notification of the spouse, next of kin or other appropriate person.
(d) Notification of the appropriate prosecutor.
(e) Notification of the City Attorney.
(f) Notification of the Coroner.
(g) Evidence preservation.
(h) In-custody death reviews (15 CCR 1046).
(i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525).

900.10 RELEASE AND/OR TRANSFER
When an individual is released or transferred from temporary 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 his/her property, warrant copies).
(f) The individual is not permitted in any nonpublic areas of the San Leandro Police Department unless escorted by a member of the Department.
(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she 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.
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(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 his/her personal needs as reasonable.

900.11 ASSIGNED ADMINISTRATOR
The Bureau of Services Captain or designee 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
(g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
(h) Disaster plans
(i) Building and safety code compliance
(j) Civil and other disturbances including hostage situations
(k) Periodic testing of emergency equipment
(l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
(m) Inspections and operations reviews

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:

(a) Applicable minimum jail standards
Temporary Custody of Adults

(b) Jail operations liability
(c) Inmate segregation
(d) Emergency procedures and planning
(e) Suicide prevention

Eight hours of refresher training shall be completed once every two years. Such training shall include, but is not limited to, the above topics (15 CCR 1024).

The Professional Standards and Training Unit shall maintain records of all such training in the member’s training file.

900.13 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives:

83-02, 85-03, 86-03, 86-08, 86-12, 86-13, 90-03, 90-04, 90-05, 90-06, 90-07, 90-08, 90-12, 92-04, 92-05, 92-06, 94-01, 94-02, 95-01.
Custodial Searches

901.1 PURPOSE AND SCOPE
This policy provides guidance regarding searches of individuals in temporary custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the San Leandro 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 temporary custody.

In addition to this policy, the San Leandro Police Department shall maintain a Jail Procedure Manual for guidance in the operation of the Jail.

901.1.1 DEFINITIONS
Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY
All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES
An officer shall conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search shall 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 shall be present during the search.
Custodial Searches

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the San Leandro Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory shall include the case number, date, time, member's San Leandro Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

When practical, 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. Coins, negotiable checks or other instruments and foreign currency should also be sealed in an envelope or bag with the amount indicated but not added to the cash total. All envelopes shall clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope shall always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any San Leandro 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:
Custodial Searches

(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 shall 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).

901.5.1 STRIP SEARCH PROCEDURES
Strip searches at San Leandro Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander or a supervisor shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:
   1. The facts that led to the decision to perform a strip search.
   2. The reasons less intrusive methods of searching were not used or were insufficient.
   3. The written authorization for the search, obtained from the Watch Commander or supervisor.
Custodial Searches

4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies 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 shall be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander or a supervisor 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.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Watch Commander or a supervisor authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander or a supervisor authorization does not need to be in writing.
Custodial Searches

901.6 PHYSICAL BODY CAVITY SEARCH
Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander or a supervisor 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 or a supervisor’s approval.
   4. A copy of the search warrant.
   5. The time, date and location of the search.
   6. The medical personnel present.
   7. The names, sex and roles of any department members present.
   8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.
Custodial Searches

901.7 TRAINING
The Professional Standards and Training Unit shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.
(b) Conducting searches of transgender and intersex individuals.
(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

901.8 BODY SCANNER SEARCH
If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Members (Penal Code § 4030):

(a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
(b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

901.9 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 84-08 and 87-18.
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 detainees or prisoners in the San Leandro Police Department Jail (28 CFR 115.111; 15 CCR 1029).

In addition to this policy, the San Leandro Police Department shall maintain a Jail Procedure Manual for guidance in the operation of the Jail.

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 detainee, prisoner, or resident:

- 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
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duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

- 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 his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, prisoner, or resident
- 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 one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident 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 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).

902.3 POLICY
The San Leandro 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 San Leandro Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

902.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION
Detainees or prisoners 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 detainees or prisoners or staff for reporting sexual abuse or sexual harassment
Prison Rape Elimination

- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the 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 detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES
Department members shall accept reports from detainees, prisoners 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 or supervisor any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Jail.
(b) Retaliation against detainees 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 or supervisor 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 or supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander or supervisor 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 or supervisor shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the San Leandro Police Department Jail to a County jail facility, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner’s potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).
Prison Rape Elimination

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.
(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 San Leandro 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 a detainee or prisoner sexually abused another detainee or prisoner in the Jail (28 CFR 115.178).
Prison Rape Elimination

(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 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 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 detainees or prisoners 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 detainees or prisoners by a contractor or volunteer.

902.5.5 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS
No detainee or prisoner 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)).

Detainee or prisoner 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 the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.6 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 San Leandro Police DepartmentJail (28 CFR 115.111). The PREA Coordinator’s responsibilities shall include:
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(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of detainees or prisoners 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 detainees and prisoners 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 detainees and prisoners (28 CFR 115.151).

(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 Jail. 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 permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees and prisoners 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).
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1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee’s or prisoner’s safety, the performance of first-response duties under this policy, or the investigation of a prisoner’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 a detainee or prisoner (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).

(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 Jail used to house detainees or prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Jail 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 inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

902.7 RETALIATION PROHIBITED

All detainees, prisoners 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 detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners 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 detainees, prisoners or members who have reported sexual abuse and
of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

902.8 TRAINING

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Professional Standards and Training Lieutenant 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 detainees and prisoners 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 detainees and prisoners are most vulnerable.
- The right of detainees, prisoners 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 detainees and prisoners.
- 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.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Professional Standards and Training Unit 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 employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

902.9 REVIEWS AND AUDITS
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902.9.1 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).

902.9.2 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 San Leandro Police Department Jail. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from San Leandro Police Department Jail 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).
Jail Fire and Disaster Response

903.1 PURPOSE AND SCOPE
This policy provides guidance for response to a fire or natural disaster, which affects the operation of the San Leandro City Jail and evacuation of inmates housed within the facility.

In addition to this policy, the San Leandro Police Department shall maintain a Jail Procedure Manual for guidance in the operation of the Jail.

903.2 POLICY
The policy of the San Leandro Police Department, in response to a fire or natural disaster affecting the operation of the Jail, is to protect life and maintain the Jail security to the extent possible without endangering prisoners or Jail personnel.

903.3 INSPECTION
A member of the Jail personnel will be assigned to coordinate the inspection all fire extinguishers, smoke detectors and exit signs to see that they are charged and functioning properly. This information will be logged in accordance with the Jail Procedure Manual.

903.4 DUTIES

903.4.1 JAIL PERSONNEL
Anyone observing a fire or unexplained smoke, regardless of type or size, shall:

(a) Immediately determine the extent of any injuries and/or damage to the facility.

(b) Determine the extent and location of the fire and/or smoke.

(c) For small fires, without smoke hazard, apply local fire suppression techniques using available fire extinguishers.

(d) For larger fires with smoke hazards, begin evacuation of all inmates to the designated areas.

In the event of a natural disaster, ascertain the welfare of the inmates, administer emergency first aid if necessary, and evaluate the visual structural damage to the facility. Notify the Communications Center by radio or telephone of any injuries, obvious damage and stand by for further instructions.

903.4.2 COMMUNICATIONS

(a) Notify the Alameda County Regional Emergency Communications Center (ACRECC) who will dispatch appropriate fire personnel.

(b) Route all available units to the Jail for possible inmate evacuation.

(c) Immediately notify the Station Supervisor.

(d) Establish communications with the Jail facility.
Jail Fire and Disaster Response

903.5 INMATE EVACUATION

Limited Endangered Areas:

(a) Remove inmates from damaged, smoke contaminated cells to habitable cells.

Major Endangered Areas:

(a) In any emergency requiring the removal of inmates from the Jail, the jail personnel must be mindful of the safety of all involved and the continuous security of inmates. Inmates shall be moved to an area free of smoke and one that will not interfere with firefighting efforts. Depending on the extent of the fire, inmates may be moved from the male cellblock area to the female cellblock. Should the fire originate in the female cellblock, the procedure should be reversed with all movement being made into the male cellblock. All necessary assistance should be summoned and the inmates should be transferred to a secure area free of weapons.

(b) Should the fire/smoke be such that the booking area is impassable, all inmates shall be moved through the tunnel to the South Offices Building.

(c) Jail personnel shall provide any assistance required by responding firefighting personnel. This may include unlocking doors, opening all exits or providing information on the contents of certain closets or rooms within the Jail.

(d) Jail personnel shall familiarize themselves with all fire prevention equipment and its location. Every reasonable attempt will be made to control the fire without compromising safety and security.

(e) In all cases where evacuation is necessary, it must be done swiftly and without compromising safety or security. In the event that jail personnel are unable to accomplish his/her evacuation mission, Fire Department personnel may be required to effect rescues via the main entrance into the Jail or through the tunnel via the South Offices Building. It will be the responsibility of the on-duty supervisor to provide adequate security during a Jail evacuation.

(f) Should the Jail be damaged or the structural integrity of the cellblocks be in question, inmates will be transported to an Alameda County Jail facility.

903.6 RESCINDED POLICY

This policy rescinds San Leandro Operations Directive 02-01.
Jail Sanitation

904.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for Jail Facility sanitation, maintenance, and vermin control.

904.2 GUIDELINES AND PROCEDURES

(a) The responsibility of the arresting or transporting officer is to determine if a person coming into the jail has lice, crabs, fleas or scabies. Persons carrying this type of vermin, usually indicated by such symptoms as extreme itching and numerous small scab-like eruptions on the body or small crab-like mites in the hair or on the body, shall be medically evaluated by a physician prior to being housed in the jail.

(b) If the lice, crabs, fleas or scabies are discovered after the prisoner is housed, the following disinfectant steps will be followed:
   1. The person's clothing will be removed and sealed in a plastic bag.
   2. The person will then shower using disinfecting soap.
   3. The comb used during the shower will be placed in the plastic bag with the clothing.
   4. The person will then be issued disposable clothing prior to being put into a cell.
   5. The bag containing the clothing, comb, and all personal property belonging to the prisoner will be marked with a warning label noting that the contents are contaminated. The bag and all contents will be returned to the prisoner upon his/her departure from the jail.
   6. The cell in which the prisoner was housed will be fumigated, using a city-contracted fumigation service.

(c) Persons who have come in contact with the infected prisoner will be notified by the on-duty supervisor. If they are in custody, they will be disinfected as outlined above. If they are staff, or a released prisoner, they will be advised of the steps for disinfection, by the on-duty supervisor.

(d) Prisoners with communicable diseases such as tuberculosis, measles, or hepatitis or sexually transmitted diseases such as AIDS, gonorrhea, or syphilis will be medically evaluated by a physician, prior to being housed in the general population or transferred to an Alameda County jail facility.

(e) If medical clearance is granted, the prisoner will be housed at the discretion of the on-duty supervisor in a manner that will minimize exposure to staff and other persons in custody.

(f) The on-duty jailer will make a notation in the inspection log in the New World System, regarding any special cleaning or sanitation instructions.

(g) The on-duty jailer will be responsible for having persons in custody dispose of all debris and garbage in designated receptacles after meals and when being released.
Jail Sanitation

(h) Daily sanitation and maintenance is the responsibility of the city janitorial section and the contract janitorial service on weekends and holidays.

(i) Once each week, the entire housing section shall be washed and disinfected by the city janitorial staff.

904.3 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 90-11.
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 San Leandro Police Department and that are promulgated and maintained by the Human Resources Division.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the San Leandro 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 Professional Standards and Training Unit 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 Professional Standards and Training Unit 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.
Recruitment and Selection

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 should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
   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) 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
(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
(g) Local, state, and federal criminal history record checks
(h) Lie detector test (when legally permissible) (Labor Code § 432.2)
(i) Medical and psychological examination (may only be given after a conditional offer of employment)
(j) Review board or selection committee assessment

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 San Leandro 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).
Recruitment and Selection

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
Due to the potential for accessing unsubstantiated, private or protected information, the Professional Standards and Training Unit shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Professional Standards and Training Unit should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.
(b) Material and information to be considered are verified, accurate and validated.
(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Professional Standards and Training Unit 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 reference the 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 not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

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 Services Division Commander for final review and submission to POST (11 CCR 1953).
Recruitment and Selection

1000.5.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

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 San Leandro Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.7 REQUIRED CONFIDENTIALITY WAIVER
This department will require all current or former peace officers from other agencies to sign the Waiver Granting Disclosure of Confidential Peace Officer Records form.

To ensure the background investigator has access to all peace officer records, candidates who are current or former peace officers must waive their confidentiality right to any records in possession of their current or former law enforcement agency. Candidates must sign the Waiver Granting Disclosure of Confidential Peace Officer Records form which grants access to all records, including incomplete investigations and files that have been sealed as a result of an agreement.

Additionally, the waiver grants the San Leandro Police Department authorization to provide criminal background information or information regarding any convictions for crimes of moral turpitude found or uncovered during its background investigation to a candidate’s current law enforcement agency.

A candidate who refuses to sign the waiver will be disqualified from the hiring process.

See attachment: WAIVER GRANTING DISCLOSURE OF CONFIDENTIAL PEACE OFFICER PERSONNEL RECORDS.pdf

1000.5.8 INVESTIGATOR TRAINING
Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

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
Recruitment and Selection

- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Division should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions
(b) Be legally authorized to work in the United States under federal law
(c) At least 21 years of age except as provided by Government Code § 1031.4
(d) Fingerprinted for local, state, and national fingerprint check
(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
(h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
Recruitment and Selection

(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)
Appraisal of Employees

1001.1 PURPOSE AND SCOPE
The Department’s employee performance appraisal 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 San Leandro Police Department utilizes a performance appraisal 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 appraisal 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 APPRAISAL PROCESS
Appraisal reports will cover a specific period of time and should be based on documented performance during that period. Appraisal 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 supervisory personnel should attend an approved supervisory course that includes training on the completion of performance appraisals within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the appraisal 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 appraisal period.

Employees who disagree with their appraisal and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.
Appraisal of Employees

1001.4 FULL-TIME PROBATIONARY PERSONNEL
An appraisal is completed at the end of each three-month period for all full-time personnel during the probationary period. Full-time personnel may have a probation period of 12, 18, or 24 months based on job classification and employment terms.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL
Permanent employees are subject to three types of performance evaluations:

Annual – An employee performance appraisal shall be completed once a year by the employee’s immediate supervisor. Once completed, the annual appraisal will be reviewed at each level of the employee’s chain of command and will be entered into the employee’s personnel file.

Semi-Annual – Half-way through the annual rating period, the employee’s immediate supervisor shall conduct an informal semi-annual performance appraisal. The semi-annual appraisal is designed to communicate performance and identify areas of concern, allowing the employee an opportunity to focus on identified areas for the remainder of the annual appraisal period. Semi-annual appraisals are a supervisory tool and will be stored in the Employee Reference File (ERF) until the annual appraisal has been completed.

1001.5.1 RATINGS
When completing the Employee Performance Appraisal, 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. An outstanding rating is rare in nature and should be supported in the comments with an explanation as to why the employee has received this rating.

Above Standard/Exceeds Expectations - 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 Standard/Meets Expectations - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Below Standard/Improvement Needed - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A below standard rating must be thoroughly discussed with the employee and supported in the comments section with how the employee can improve performance.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated. An unsatisfactory rating is rare in nature for full-time employees and must be thoroughly documented in the comments section with an explanation as to why the employee has received this rating.

Space for written comments is provided at the end of the appraisal in the rater comments section. This section allows the rater to document the employee’s strengths, weaknesses, and suggestions.
Appraisal of Employees

for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

**1001.6  APPRAISAL INTERVIEW**
When the supervisor has completed the preliminary appraisal, arrangements shall be made for a private discussion of the appraisal 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 appraisal. 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 appraisal. Permanent employees may also write comments in the Employee Comments section of the performance appraisal report.

**1001.6.1  DISCRIMINATORY HARASSMENT FORM**
At the time of each employee's annual appraisal, 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 appraisal. 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  APPRAISAL REVIEW**
After the supervisor finishes the discussion with the employee, the signed performance appraisal is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the appraisal for fairness, impartiality, uniformity, and consistency. The Division Commander shall then forward the appraisal to the Chief of Police via chain of command.

**1001.8  APPRAISAL DISTRIBUTION**
The original performance appraisal 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 may be forwarded to City Human Resources Division.
Appraisal of Employees

1001.9 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 91-02.
Performance Review For Probationary Sergeant, Police Officers and Public Safety Dispatchers

1002.1 PURPOSE AND SCOPE
The San Leandro Police Department strives to provide probationary employees with a positive training environment and skilled trainers, in order to successfully complete their training program and establish a solid foundation for their careers at SLPD. In the case of Police Officers and Dispatchers, trainers evaluate new employees in the training program with the objective of ensuring that the trainee meets the standards of a competent solo beat officer/solo dispatcher prior to being released from training.

The probationary period for employees is indicated in the employee's offer of employment. The probationary period is regarded as part of the examination process and is utilized to observe an employee's work performance as they acclimate to their new position.

1002.2 PROCEDURE
After an Officer/Dispatcher completes their training program, the Division Lieutenant/Manager has the responsibility to follow up with their Supervisor to complete quarterly evaluations through their probationary period. If any Supervisor detects a problem in the probationary employee's performance, the Division Lieutenant/Manager shall be notified. Appropriate action is to be taken at that point to correct any deficiencies in the probationary employee's performance. The probationary evaluation period will conclude after the employee successfully completes an oral board examination.

The Division Lieutenant/Manager is responsible for coordinating and chairing the Probationary Release Oral Board Examination for Officers/Dispatchers. Generally, this board will consist of the Division Lieutenant/Manager, the Supervisor overseeing the division's FTO/CTO Program and the probationer's immediate Supervisor at the time.

The Bureau Captain is responsible for coordinating and chairing the Probationary Release Oral Board Examination for Sergeants. Generally, this board will consist of the Bureau Captain and the probationer's immediate Supervisor at the time.

This oral board examination is conducted two months prior to the probationary employee's anticipated release date so deficiencies, if discovered, can be corrected in the remaining two months of probation. It is intended to provide a final review of the employee's performance prior to the completion of probationary status.

1002.3 PROBATIONARY RELEASE ORAL BOARD FORMAT: POLICE OFFICER

1002.3.1 INSPECTION
The Officer's Class A uniform will be inspected during the oral board.
Performance Review For Probationary Sergeant, Police Officers and Public Safety Dispatchers

1002.3.2 POLICY REVIEW

Office's shall demonstrate knowledge of the following Policies/Laws:

(a) Use of Force Policy
(b) Shooting Policy
(c) Officer Involved Shooting Policy
(d) Pursuit Policy
(e) Taser Policy
(f) Discriminatory Harassment Policy
(g) 40302 CVC
(h) Search without a warrant
(i) 849(b) requirements
(j) Steagald Warrant (3rd party residence search-visiting/temporary residence)
(k) Elements required for 5150 W&I

1002.3.3 PERFORMANCE

Officers shall provide three cases to the board that best demonstrates their investigative ability. In addition, there will be a statistical performance review.

(a) Statistical review (Provided by Patrol Lieutenant)
(b) Case Review (Provided by the Officer)
(c) FTO Evaluation (Provided by the FTO Coordinator)
(d) Feedback on the FTO Program (Provided by the Officer)

1002.4 PROBATIONARY RELEASE ORAL BOARD FORMAT: PUBLIC SAFETY DISPATCHER

1002.4.1 INSPECTION

The Dispatcher's Class A uniform will be inspected during the oral board.

1002.4.2 POLICY/PROCEDURE REVIEW

The Dispatchers shall demonstrate knowledge of the following Policies:

(a) Officer Involved Shooting Policy (Dispatcher Role)
(b) Pursuit Policy (Dispatcher Role)
(c) Code 33 Procedure
(d) NIXLE Procedure
(e) SWAT/HNT Callout Protocol
Performance Review For Probationary Sergeant, Police Officers and Public Safety Dispatchers

(f) Amber Alert Policy

(g) Bomb Threat Policy (Dispatcher Role)

(h) Discriminatory Harassment Policy

(i) Missing Persons Policy (Dispatcher Role)

(j) Communications Center Evacuation Procedure

1002.4.3 PERFORMANCE
Dispatchers shall provide three CAD calls to the board that best demonstrates their call screening and dispatching ability. The dispatcher should obtain a CD copy of the call/radio traffic from the Dispatch Supervisor. In addition:

(a) CTO Program evaluation (CTO Coordinator)

(b) Feedback on the CTO Program

1002.5 PROBATIONARY RELEASE ORAL BOARD FORMAT: SERGEANT

1002.5.1 INSPECTION
The Sergeant's Class A uniform will be inspected during the oral board.

1002.5.2 POLICY REVIEW
Sergeants shall demonstrate knowledge of the supervisor’s responsibilities as they relate to the following:

(a) Use of Force Policy

(b) Shooting Policy

(c) Pursuit Policy

(d) Taser Policy

(e) Discriminatory Harassment Policy

(f) Evaluation of Employees Policy

(g) Personnel Complaint Policy

(h) Employee Reference File

1002.5.3 PERFORMANCE
Sergeants shall:

(a) Provide two examples of completed staff work.

(b) Discuss challenges of supervision (specific examples).

(c) Self assessment of strengths and weaknesses.
Promotional and Lateral Transfer Policy

1003.1 PURPOSE AND SCOPE
The purpose of this policy is to establish required and desirable qualifications for promotion and for determining internal lateral transfers of Police Officers and Police Sergeants.

1003.2 POLICY
It is the policy of the San Leandro Police Department to periodically reassign personnel laterally to various assignments within the Department. The intent of this policy is to utilize (where practical) particular talents and abilities, develop individual skills, and perform the Department's task in as effective and efficient a manner as possible.

The filling of lateral assignments positions must be considered in view of the attainment of overall Departmental goals and objectives. Thus, the careful evaluation of the factors below will be done in conjunction with the requirements of the position and the needs of the Department. The final selection for all lateral assignments rest solely with the Chief of Police.

For the purpose of this policy, the term "lateral transfer" refers to the assignment of Police Officers and Sergeants from one division to another, for periods of three, four, or five years. As an exception, Officers and Sergeants assigned to the Traffic Division, operating a motorcycle, or as a commercial enforcement officer, as their primary duty, will be for periods of five, six, or seven years.

- The term "lateral transfer" is synonymous with lateral assignment, internal transfer, or internal reassignment. "Lateral transfer" does not include reassignment within any division.
- The term "lateral transfer" most commonly refers to the reassignment of a Police Officer or Sergeant from the Patrol Division to any other division.

The actual duration of any lateral assignment will be dependent on the employee's performance, and the needs of the organization.

1003.3 BASIC LATERAL TRANSFER ELIGIBILITY AND QUALIFICATIONS

(a) Candidate shall have completed a minimum of three years law enforcement service prior to the effective date of the transfer.
   1. At least one (1) of those years shall have been continuous and current employment with the San Leandro Police Department.
   2. Candidates who, subsequent to an authorized leave of absence, are duly reinstated, will be entitled to consider service prior to the reinstatement as continuous with current employment, less the actual time away on leave.

(b) Patrol Officers or Sergeants holding other lateral transfer assignments at the time of the selection normally will not be considered for a second consecutive lateral assignment.
Promotional and Lateral Transfer Policy

(c) Police Officers or Sergeants having already completed a lateral assignment generally will not be reconsidered for a subsequent transfer for at least one year after the conclusion of the earlier assignment.

(d) The Chief of Police may, under abnormal circumstances in individual cases, modify the criteria stated above.

1003.4 LATERAL TRANSFER SELECTION PROCESS

(a) Upon notice of a lateral assignment opening, interested, eligible candidates shall submit a memorandum through channel to the appropriate Division Commander, or their designee.

1. If there are multiple openings, separate memos shall be submitted.

(b) The eligibility criteria of each applicant shall be reviewed by the appropriated Division Commander, or their designee. The Chief of Police may waive the eligibility criteria when, in their judgment, it is in the best interest of the Department.

1. The appropriate Division Commander, or their designee, shall interview the eligible candidates. This interview shall be a portion of the selection criteria. Additionally, the appropriate Division Commander, or their designee, shall consult with the supervisors within their divisions regarding all eligible candidates.

2. The Division Commander, or their designee, shall summarize the supervisors' input, as well as the applicant's most recent appraisal. This summary of appraisals shall specifically address each applicant's attendance, written skills, interpersonal communication skills, and demonstrated skills relevant to the position sought. Any relevant training shall be included in the summary.

3. The Division Commander, or their designee, shall confer, upon completion of the selection process, with the appropriate Bureau Captain regarding the recommendation(s).

4. The Division Commander, or their designee, shall be available to confer with the unsuccessful candidates regarding the selection.

(c) The final selection for all lateral assignment rests solely with the Chief of Police.

1003.5 PROMOTIONAL SPECIFICATIONS
Specifications for promotional opportunities are on file with the San Leandro Human Resources Department.
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.

1004.1.1 GRIEVANCE DEFINED
A grievance shall be defined as any dispute which involved the interpretation or application of any provision of the employee Memorandum of Understanding (MOU), excluding all ordinances, resolutions, rules and regulations, the subject of which is not specifically covered by the provisions of the MOU. Such excluded ordinances, resolutions, rules and regulations shall not be subject to the Grievance Procedure.

1004.2 PROCEDURE
If an employee believes that he or she has a grievance as defined above, that employee shall then follow the grievance procedure as detailed in their respective MOU's.
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 San Leandro 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 RECORDS RETENTION AND RELEASE
The Professional Standards and Training Lieutenant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1005.4 RETALIATION PROHIBITED
No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

• Refusing to hire or denying a promotion.
• Extending the probationary period.
• Unjustified reassignment of duties or change of work schedule.
• Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
• Taking unwarranted disciplinary action.
• Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
Anti-Retaliation

- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

1005.4.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS
An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1005.5 COMPLAINTS OF RETALIATION
Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Manager.

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

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

1005.6 SUPERVISOR RESPONSIBILITIES
Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
Anti-Retaliation

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1005.7 COMMAND STAFF RESPONSIBILITIES
The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1005.8 TRAINING
The policy should be reviewed with each new member.

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

1005.9 WHISTLE-BLOWING
California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member’s supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.
**Anti-Retaliation**

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 and Training Unit for investigation pursuant to the Personnel Complaints Policy.

**1005.9.1 DISPLAY OF WHISTLE-BLOWER LAWS**
The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).
Specialty Assignments

1006.1 PURPOSE AND SCOPE
The purpose of this directive is to define Department policy and procedure for determining the service obligation of members chosen for and assigned to specialty assignments.

1006.2 POLICY
It is policy of the San Leandro Police Department to periodically assign personnel internally to various specialty assignments within the Police Department. The intent of this policy is to utilize (where practical) particular talents and abilities, develop individual skills, and perform the Department's tasks in as effective and efficient a manner as possible.

1006.3 DEFINITION
The term "specialty assignment" commonly refers to additional duty assignment(s) a member may incur. Other than disciplinary removal, members selected to specialty assignment(s) shall remain a member of the specialty assignment(s) for the specified period of time.

1006.4 LENGTH OF SPECIALTY ASSIGNMENTS

1006.4.1 SWORN
(a) Bicycle Officer (3 years plus up to two one year extensions upon performance review)
(b) Color Guard (3 years with annual extensions upon performance review)
(c) Critical Incident Stress Management Team (exception)
(d) Evidence Response Team (5 years with annual extensions upon performance review)
(e) Explorer Advisor (3 years plus up to two one year extensions upon performance review)
(f) Field Technician (3 years with annual extensions upon performance review)
(g) Field Training Officer (3 years with annual extensions upon performance review)
(h) Hostage Negotiations Team (exception)
(i) K-9 Handler (3 year minimum and 7 year maximum, reference K9 Operations Directive)
(j) Range Master (5 years with annual extensions upon performance review)
(k) School Resource Officer (3 years plus up to two one year extensions upon performance review)
(l) Special Weapons and Tactics (exception)
(m) Tactical Team Officer (3 years plus up to two one year extensions upon performance review)
Specialty Assignments

(n) Crime Prevention Officer (3 years plus up to two one year extensions upon performance review)
(o) Planning & Training Officer (3 years plus up to two one year extensions upon performance review)

1006.4.2 CIVILIAN
(a) CLETS Trainer (5 years plus a one year extension upon performance review)
(b) Communications Training Dispatcher (3 years with annual extensions upon performance review)
(c) Critical Incident Stress Management Team (exception)
(d) Police Service Technician (PST) Jail Trainer (3 years with annual extensions upon performance review)
(e) Records Training Technician (3 years plus a one year extension with annual extensions upon performance review)
(f) Tactical (SWAT & HNT) Dispatcher (exception)
(g) Planning & Training Police Service Aide (PSA) (3 years plus up to two one year extensions upon performance review)
(h) Crime Prevention PST (3 years plus up to two one year extensions upon performance review)
(i) Animal Control PST (3 years plus up to two one year extensions upon performance review)

1006.5 EXCEPTIONS
(a) K-9 Handlers shall work within the guidelines of Canine Policy. SWAT and HNT members may perform their specialty assignment indefinitely. Annually, the unit commander will make an ongoing assessment of member proficiency and team needs. Any SWAT or HNT member may be removed from the team upon acceptance of a promotion in order to maintain balanced staffing of the unit. The selection process and term of the CISM members is at the discretion of the Chief of Police and/or the Program Manager.
(b) Remaining in a specialty assignment will be dependent on the employee's performance, and the needs of the organization. Any member wishing to relinquish a specialty assignment position shall give notice in writing to the supervisor of the specialty assignment.
(c) Members who complete their initial service obligation may be extended upon the recommendation of the specialty assignment supervisor and the review of the...
Specialty Assignments

extension by the Division Commander. The Division Commander shall confer with the Division Commander regarding the recommendation(s) for extension.

(d) Members who complete the initial service obligation and extension can apply for reinstatement to the specialty assignment only if no other individuals apply. Members seeking reinstatement must submit a memorandum of interest to the Division Commander through the Chain of Command specifying their reasons, training and experience as it relates to the extension.

(e) The Chief of Police has the authority to remove or extend/reinstate any member from a specialty assignment based on the needs and in the best interest 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.

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. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1007.3.1 USE OF MEDICATIONS
Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1007.3.2 USE OF MARIJUANA
Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

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.
Drug- and Alcohol-Free Workplace

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 Human Resources Division, 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. Any such employee will be placed on an unpaid leave of absence or shall be allowed to utilize paid leaves within the discretion of the Department.

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 REQUESTING SCREENING TESTS
The supervisor may request an employee to submit to a screening test if the supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently. For the purpose of this provision, drugs shall be defined as any controlled or intoxicating substance.

1007.7.1 SUPERVISOR RESPONSIBILITY
The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.
(b) The result of the test is not admissible in any criminal proceeding against the employee.
(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.
Drug- and Alcohol-Free Workplace

1007.7.2 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1007.7.3 TESTING PROCEDURE
The City and bargaining groups shall use a mutually agreed upon laboratory to perform the forensic testing. The laboratory selected shall be licensed by the State of California Health Services, in accordance with Title 17 of the California Administrative Code.

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 separately from the employee’s other personnel files.

1007.10 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 93-02.
Reporting of Employee Convictions

1008.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee’s ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Professional Standards and Training Unit shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Professional Standards and Training Unit shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1008.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS
California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1008.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member’s ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.
Reporting of Employee Convictions

1008.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1008.5 PROCEDURE FOR RELIEF
Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.
**Sick Leave**

**1009.1 PURPOSE AND SCOPE**
This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) 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).

**1009.2 EMPLOYEE RESPONSIBILITIES**
Sick leave may be used for absences caused by illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee’s immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

All employees shall be familiar with their sick leave procedure as detailed in their Memorandum of Understanding, as well as the City’s Administrative Procedure 1070 (Attendance Management Program).

*See attachment: AP 1070 Attendance management program.pdf*

**1009.2.1 NOTIFICATION**
Employees shall notify the on-duty supervisor at least 30 minutes prior to the start of their work day. 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).

**1009.3 EXTENDED ILLNESS**
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.
Sick Leave

Nothing in this section precludes a supervisor, with cause, from requiring a health care provider’s statement if three or fewer sick days are taken after the first three days of paid sick leave are used in a 12-month period.

1009.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee’s performance appraisal 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.

1009.5 REQUIRED NOTICES

The Human Resources Manager shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1009.6 RESCINDED POLICY

This policy rescinds San Leandro Operations Directive 84-01.
Communicable Diseases

1010.1 PURPOSE AND SCOPE
This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1010.1.1 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 San Leandro Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1010.2 POLICY
The San Leandro 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.

1010.3 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):
Communicable Diseases

(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).

All forms and documents relating to communicable diseases can be located in the City’s "g" drive, in the "Safety" folder.

1010.4 EXPOSURE PREVENTION AND MITIGATION

1010.4.1 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.
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(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1010.4.2 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).

1010.5 POST EXPOSURE

1010.5.1 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.

1010.5.2 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
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(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
(e) Work being done during exposure
(f) How the incident occurred or was caused
(g) PPE in use at the time of the incident
(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1010.5.3 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.

1010.5.4 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).

1010.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.
(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
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(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1010.6 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.

1010.7 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.

1010.8 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 89-01 and 93-01.
Smoking and Tobacco Use

1011.1 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 San Leandro 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.

1011.2 POLICY
The San Leandro 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).

1011.3 SMOKING AND TOBACCO USE
Smoking and tobacco use by members is prohibited anytime members are in public view representing the San Leandro 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.

1011.4 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.).

1011.4.1 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**

**1012.1 PURPOSE AND SCOPE**
This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the San Leandro 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.

**1012.2 POLICY**
The San Leandro 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.

**1012.3 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.

**1012.3.1 COMPLAINT CLASSIFICATIONS AND SOURCES**
Personnel complaints shall be classified in one of the following categories:

- **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 handled informally by a supervisor and shall not be considered a personnel complaint.

- **External** - A personnel complaint is 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.

- **Internal** - 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
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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.

Claims - Tort claims and lawsuits may generate a personnel complaint.

1012.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1012.4.1 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

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

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

1012.4.2 COMPLAINT FORMS
Personnel complaint forms will be made available at the Department's Records Unit and will be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1012.4.3 AVAILABILITY OF WRITTEN PROCEDURES
The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1012.4.4 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).

1012.5 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1012.5.1 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
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regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

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

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
   (a) The original complaint or inquiry form will be routed directed to the Watch Commander 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 Division Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
   (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form and route to the Watch Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources Division and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the 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 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.).
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(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1012.5.2 ADMINISTRATIVE INVESTIGATION PROCEDURES
Whether conducted by a supervisor or a member of the Professional Standards and Training Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

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

(b) Unless waived by the member, interviews of an accused member shall be at the San Leandro 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
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consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor’s Brady list or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).

1012.5.3 ADMINISTRATIVE INVESTIGATION FORMAT
Formal investigations of personnel complaints shall be thorough, complete and shall include, but not be limited to the following:

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

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

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

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

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

1012.5.4 DISPOSITIONS
Each personnel complaint shall be classified with one of the following dispositions:

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

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

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

1012.5.5 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).

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.

1012.6 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.

1012.6 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.

1012.7 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.
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A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The San Leandro 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.

1012.8 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1012.8.1 BUREAU CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Bureau Captain 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 Bureau Captain 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 Bureau Captain 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.

1012.8.2 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 Division Commander for further investigation or action.

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

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
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(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.

1012.8.3 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)).

1012.9 PRE-DISCIPLINE EMPLOYEE RESPONSE
The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1012.10 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE
In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).
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1012.11 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).

1012.12 PROBATIONARY EMPLOYEES AND OTHER MEMBERS
At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

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

1012.13 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 Files Policy.

1012.14 DOCUMENTATION
Supervisors shall ensure that all formal and informal 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. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1012.15 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.
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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).

1012.15.1 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.

1012.16 RESCINDED POLICY
This policy rescinds San Leandro Operations Directives 87-27 and 89-07.

1012.17 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.

(b) Events that could affect an officer’s POST certification, such as:

1. Complaints, charges, or allegations of misconduct
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 San Leandro 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) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).
Seat Belts

1013.1 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).

1013.1.1 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.

1013.2 POLICY
It is the policy of the San Leandro Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1013.3 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1013.4 TRANSPORTING CHILDREN
Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1013.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES
Suspects, prisoners and arrestees shall be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is
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not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

If the officer feels it is unsafe, or unpractical to utilize a prisoner restraint system, or seat belts provided by the vehicle manufacturer, the officer shall capture the subject's actions on PVRS and obtain approval from the on-duty supervisor prior to transporting the subject without these systems. The subject's actions and supervisor approval shall be documented in related reports.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1013.6 INOPERABLE SEAT BELTS
Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1013.7 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.

1013.8 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.

1013.9 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 90-01.
Body Armor

1014.1 PURPOSE AND SCOPE
The purpose of this directive is for the San Leandro Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1014.2 POLICY
It is the policy of the San Leandro Police Department that all personnel assigned to the enforcement of laws and/or codes shall wear Department-issued body armor while on duty, in police uniform.

1014.3 PROCEDURE

1014.3.1 ISSUANCE OF BODY ARMOR
(a) The Professional Standards and Training Unit shall ensure that body armor is issued to all sworn police officers and civilian employees assigned to law and/or code enforcement roles and/or the Tactical Operations Team and that the body armor meets or exceeds the standards of the National Institute of Justice, when issued.

(b) The Professional Standards and Training Unit will schedule appointments for employees with the vendor supplying body armor to the San Leandro Police Department. The vendor shall meet with the employee and measure him/her for fit before placing the order for the body armor. The vendor will be available to the employee during this process to answer questions related to the body armor.

(c) The San Leandro Police Department shall issue body armor when a police officer or civilian employee (in an enforcement role) begins service with the San Leandro Police Department or is appointed as a member of the Tactical Operations Team. It shall be the discretion of the employee to choose either a level III or IIIA rated ballistic vest, certified by the National Institute of Justice standards, certified for reimbursement through the Bulletproof Vest Partnership Program.

The body armor shall be replaced by the Department, pursuant to the manufacturers warranty, or if it becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

(d) All employees issued body armor shall maintain a concealable vest carrier to support the body armor panels when worn under a uniform shirt.

(e) Sworn personnel shall have the option of choosing to order a patrol outer carrier for their body armor panels, which if electing to do so, shall be ordered at the time that the body armor is ordered.

(f) Sworn personnel may elect to purchase, at their own expense, a patrol outer carrier at anytime, which will be optional to wear on a daily basis.
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(g) Upon the issuance of a new ballistic vest, employees shall return their previously-issued/used/ damaged ballistic vest to the Professional Standards and Training Unit, who will dispose of the vest pursuant to the recommendations of the manufacturer.

(h) Upon issuance of body armor, officers and civilian employees shall check for proper fit and shall immediately report concerns or issues to the Professional Standards Unit pursuant to the vendor's and manufacturer's warranties and policies.

1014.3.2 USE OF BODY ARMOR
(a) Officers and civilian employees shall only wear agency-approved issued body armor.

(b) Officers and civilian employees shall wear body armor anytime they are in a situation where they could reasonably be expected to take code or law enforcement action or are assigned to work at a tactical command post.

(c) Officers and civilian employees may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer or civilian employee is taking part in Department range training, where firearms are discharged.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover plain clothes capacity, where his/her supervisor determines he/she could be compromised by wearing body armor; or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1014.3.3 PATROL OUTER CARRIERS
(a) Sworn personnel are authorized to wear the “Tactical Advantage Patrol Outer Carrier” with adjustable, open shoulders, manufactured by Point Blank Body Armor, in the color of midnight navy blue. Wearing of patrol outer carriers by sworn personnel in uniformed and undercover assignments shall be optional unless purchased by the Department at time of order pursuant to Section 1024.3.1(e) of this policy.

(b) Sworn personnel electing to wear the patrol outer carriers shall have their issued body armor panels inserted into the patrol outer carrier's panels designed to accommodate body armor panels. Sworn officers are prohibited from wearing their concealable body armor under their uniform shirt and donning a patrol outer carrier without ballistic panels.

(c) All sworn personnel, while on duty and wearing the patrol outer carrier, shall be guided by the following directions as to the manner and conditions of wearing the patrol outer carrier:

   (a) Patrol Uniform Use:

   1. The patrol outer carrier shall be midnight navy blue in color. The Officer's metal badge shall be worn on the front, left-side of the patrol outer carrier. Personnel assigned to the Canine Unit may elect to towear the cloth badge patch affixed by Velcro, in lieu of their metal badge.
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2. A non-reflective nametag strip measuring 5” x 1” in size, shall be worn on the right-side of the front of tactical outer carrier. The nametag strip shall be affixed to the outer carrier with Velcro. The name tag shall include the first initial and last name.

3. A non-reflective patch measuring 3 ½” x 1 ½” in size, with word “POLICE” shall be available in the zippered pouch, below the nametag strip, on the right-front side of the carrier.

4. A non-reflective patch measuring 10” x 4” in size, shall be available in the zippered pouch on the back of the patrol outer carrier.

5. The lettering of the names for Officers, Professional Staff, and Sergeants shall be gray in color, and the ranks of Police Lieutenant, Police Captain and Police Chief shall be gold in color. All letters shall be in the font, “Impact” and shall be affixed to the name tag strip and non-reflective patches from the manufacturer, meeting their original equipment specification.

6. The back non-reflective patch with the word “POLICE” generally will not be displayed by uniformed sworn personnel working in a patrol capacity. The patch shall be utilized in situations where the identification of the Officer may come into question or when a Sergeant or Command Officer designates its use.

(b) Use by Sworn Personnel assigned to the Criminal Investigation Division and/or Plain Clothes/Undercover Operations:

1. The patrol outer carrier may be used by sworn personnel assigned to the Criminal Investigation Division, Crime Suppression Unit, or for any officers assigned to a plain clothes and/or undercover assignment.

2. Patrol outer carriers used in these assignments shall conform to all design standards as listed in this policy.

3. Sworn personnel, in any of these assignments, shall wear a name tag and may wear a cloth badge patch affixed with Velcro, representing their rank on the front, left side of the tactical outer carrier in lieu of the metal badge.

4. The back “POLICE” non-reflective patch should be displayed by personnel working in the Criminal Investigation Division, Crime Suppression Unit, or during plain clothes/undercover assignments, when immediate identification of the officer is necessary.

(c) Equipment Storage Pouches:

1. Authorized equipment pouches worn with the tactical outer carrier shall be manufactured by Point Blank, and shall be from the MOLLE Midnight Navy Blue 500 model series.
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2. The pouches shall be midnight navy blue in color and may be constructed with black, tactical nylon, outer flaps for added durability. Equipment pouches will not have any visible logos.

3. The pouches shall have snap or Velcro closures. With the exception of pouches for an expandable baton, flashlight, and AR-15 magazines, no open pouches are allowed.

4. Pouches shall be maintained in good working order and free from rips, tears, or fading from aging or excessive wear.

5. Pouches shall be securely attached (woven) onto the tactical outer carrier through the MOLLE loop system and inspected on a regular basis by a supervisor, range master or his/her designee.

6. A Taser X26/P may be carried in a Department-approved Taser holster, using the Safariland MLS clip to secure the holster to the MOLLE loop system on the exterior of the outer carrier.

7. Outer carriers and pouches not meeting uniform specifications shall be replaced as soon as reasonably possible at the officer’s expense.

8. Pouches manufactured by Point Blank Body Armor are the only approved equipment pouches for use on tactical outer carriers.

(d) Authorized Equipment Affixed to the Outer Carrier:

1. The following equipment may be worn on the patrol carrier and shall be secured in duty pouches:

   (a) Ammunition/Handgun magazines (2 minimum)
   (b) Handcuffs (1 pair minimum)
   (c) Oleoresin Capsicum (OC) Spray
   (d) Expandable Baton
   (e) Motorola hand-held two-way radio
   (f) Taser
   (g) Flashlight
   (h) Knives/Multi-Tools
   (i) AR-15 magazines (May only be stowed on the outer carrier prior to deployment of the AR-15 rifle)
   (j) First Aid Supplies

2. All equipment should be carried in a manner similar to the configuration the officer previously carried on their duty belt. The configuration of the
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equipment must be reviewed and approved by a Department Certified Range Master prior to wearing the patrol outer carrier.

3. The wearing of the Taser shall be done in accordance with the San Leandro Police Department Taser Policy. The Taser can be worn on the duty belt or on the outer carrier, on the support side (opposite side of firearm).

4. Knives/Mult-Tools shall be secured in a pouch or pocket, not hanging off of a pouch or attached to a MOLLE loop.

5. Handguns shall NOT be carried on the patrol outer carrier.

(e) Wearing of the Portable Video Recording System:

1. Officers donning a patrol outer carrier shall abide by San Leandro Police Department Policy 450: Portable Audio/Video/Recorders.

1014.3.4 MANDATORY TRAINING REQUIRED PRIOR TO USE OF OUTER CARRIER
(a) Sworn personnel electing to wear the outer carrier on-duty shall:

1. Successfully pass the current firearms qualification course, while wearing the outer carrier.

2. Successfully pass an evaluation by a member of the Defensive Tactics training staff, demonstrating proficiency with their safety equipment, while wearing the outer carrier.

(b) If the Officer is unable to qualify on the firearms course or demonstrate proficiency with any of their safety equipment, the Officer will not be authorized to wear the outer carrier until they are able to successfully meet these requirements.

1014.3.5 UNIFORM TO BE WORN WITH TACTICAL OUTER CARRIERS
(a) Sworn personnel assigned to a uniformed position who elect to wear the outer carrier shall wear the following uniform:

1. Blauer, navy blue, wool-blend Amorskin, style 8471 (long sleeve) or style 8472 (shortsleeve) with a SLPD patch on the left shoulder. Sworn personnel may choose to have the San Leandro Police Department star logo badge, first initial and last name embroidered onto the front of the shirt. All uniforms worn with the outer carrier will be purchased by the employee.

2. Blue wool uniform pants

3. During inclement weather or at the discretion of the officers’ immediate supervisor or a command officer, officers may wear the Class C or Class D uniform.

(b) Sworn and civilian personnel who elect to wear the outer carrier during their assigned tour of duty where they may be required to immediately respond to a call for service shall wear their outer carrier at all times.
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1014.3.6 INSPECTIONS OF BODY ARMOR AND OUTER CARRIER
Supervisors should ensure that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted for fit, cleanliness, signs of damage, abuse and wear.

1014.3.7 CARE, MAINTENANCE AND REPLACEMENT OF BODY ARMOR AND TACTICAL OUTER CARRIERS
(a) Officers and civilian personnel should routinely inspect personal body armor and outer carriers for signs of damage and for general cleanliness.

(b) Because dirt and perspiration may erode ballistic panels, each employee shall be responsible for cleaning personal body armor in accordance with the manufacturers instructions. Officers and civilian personnel are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturers instructions.

(c) Officers and civilian personnel are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.

1014.4 RANGE SERGEANT RESPONSIBILITIES
(a) Monitor technological advances in the body armor industry for any appropriate changes to officer and civilian-approved body armor and update the Professional Standards and Training Unit with that information.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

(d) Inspect outer carriers for set-up, functionality, and proper storage of equipment prior to officers donning them for duty assignments, and test officers to ensure that they can properly access equipment stored on the outer carrier.

(e) Prepare a certification memorandum for each sworn member electing to use the outer carrier during a duty assignment and forward that memorandum to the Professional Standards and Training Unit to be included in the officer’s training record.

(f) May designate a certified range master to assist in any of the Range Sergeant’s duties and responsibilities.
Personnel Files

1015.1 PURPOSE AND SCOPE
This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1015.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.
(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
(c) Election of employee benefits.
(d) Employee advancement, appraisal, or discipline.
(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1015.3 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.

1015.4 REQUESTS FOR DISCLOSURE
Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).
**Personnel Files**

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.

**1015.4.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer’s representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

**1015.5 EMPLOYEE ACCESS TO OWN FILE**

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee’s request and the department’s written response shall be retained with the contested item in the employee’s personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee
Personnel Files

1015.6 TYPES OF PERSONNEL FILES
Peace officer personnel files consists of the following:

1015.6.1 DEPARTMENT FILE
The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.
   1. It shall be the responsibility of the involved employee to provide the Professional Standards and Training Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
   2. The Professional Standards and Training Lieutenant 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) Background file.

(h) A photograph of the employee shall be permanently retained.

1015.6.2 DIVISION FILE
The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.

2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

1015.6.3 INTERNAL AFFAIRS FILE
Internal affairs files shall be maintained under the exclusive control of the Professional Standards and Training Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Professional Standards and Training Unit. 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 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).
Personnel Files

3. A complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years.
   (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)).

1015.6.4 TRAINING FILES
An individual training file shall be maintained by the Professional Standards and Training Unit 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 Professional Standards and Training Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
   (b) The Professional Standards and Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the employee’s training file.

1015.6.5 MEDICAL FILE
A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee’s medical condition and history, including but not limited to the following:
   (a) Materials relating to medical leaves of absence.
   (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
   (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
   (d) Medical release forms, doctor’s slips and attendance records which reveal an employee’s medical condition.
   (e) Any other documents or material which reveals the employee’s medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1015.7 PURGING OF FILES
Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).
Personnel Files

(a) Each supervisor responsible for completing the employee’s performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee’s performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
Commendations and Awards

1017.1 PURPOSE AND SCOPE
This policy provides general guidelines for recognizing commendable or meritorious acts of members of the San Leandro Police Department and individuals from the community.

1017.2 POLICY
The policy of the Police Department is to recognize outstanding performance by Police employees or members of the community. Public commendation enhances the professionalism of all Police employees and rewards those individuals deserving recognition. To this end, procedures for the awarding of Medal of Valor, Police Cross, Silver Star Medal, Life Saving Medal, Medal of Meritorious Service, Injury Ribbon, Chief's Coin, and the Captain Edward Lee Tracey Community Service Achievement Award, are established.

1017.3 COMMENDABLE ACTIONS AND PROCEDURES
The Medal of Valor will represent achievement of the highest order earned by an employee for service rendered far above that expected. It is to be awarded to an employee of the San Leandro Police Department who voluntarily distinguishes himself/herself conspicuously by gallantry and extraordinary heroism. The act must be in excess of the normal demands and of such a nature that the employee was fully aware of the imminent threat to his/her personal safety and acted above and beyond the call of duty at the risk of his/her life. The act must not be foolhardy.

The Police Cross is to be awarded where a Police Officer lost his/her life in the performance of duty under honorable circumstances. The Police Cross may be awarded in addition to any other award the Officer may be entitled to in making the supreme sacrifice. The Police Cross will be awarded to a family member by the Chief of Police.

The Silver Star Medal is to be awarded to an employee of the San Leandro Police Department for courageous actions when circumstances do not fall within the provisions qualifying for the Medal of Valor. The level of action, while of lesser degree than that required for the Medal of Valor, must nevertheless have been performed with distinction and courage.

The Life Saving Medal is to be awarded to an employee of the San Leandro Police Department whose actions clearly save the life of a citizen or San Leandro Police Department employee.

The Medal of Meritorious Service will represent outstanding work which is beyond the expected. Circumstances prompting nomination for this award may include, but are not limited to, continued excellence that elevates performance or results far above the norms of an individual's assignment.

The Injury Ribbon will be awarded to an employee who suffers significant physical injury while in performance of his or her duties. The injury shall not have been caused by accident or negligence on the part of the employee. The Injury Ribbon may be awarded alone or in conjunction with, the Medal of Valor, Silver Star, Medal of Meritorious Service or Life Saving Medal.
Commendations and Awards

The **Chief's Coin Commendation** will be awarded to any employee or member of the community for outstanding work and exhibiting the Department's core values.

The **Captain Edward Lee Tracey Community Service Achievement Award** will be awarded to any employee who represents Captain Tracey's leadership, enthusiasm, strong passion, and commitment to community service.

**1017.4 SELECTION**

The Medal of Valor, Police Cross, Silver Star Medal, Life Saving Medal, Medal of Meritorious Service, Injury Ribbon, Chief's Coin, and the Captain Tracey Achievement Award will be awarded by the Chief of Police, upon nomination and recommendation of the Service Award Board. The Chief of Police will designate a Command Officer to chair the Service Award Board. This Board will be comprised of at least three (3) members including the designated Command Officer, one Supervisor and one Officer or professional staff employee, who will be selected by the designated Command Officer.

Medal of Valor, Police Cross, Silver Star Medal, Life Saving Medal, Medal of Meritorious Service, Injury Ribbon, Chief's Coin, and the Captain Tracey Achievement Award are open to all Department employees. Thus, nomination may be instituted at any level by memoranda, through channels, to the Chief of Police. The Chief of Police may convene the Service Award Board, which will examine all facets of the performance and interview command officers, supervisors, and any pertinent officers or professional staff member who were present or witnessed the performance. The Service Award Board will make recommendations of eligibility, and complete the award documentation for presentation.

The Chief of Police will award the Medal of Valor, Police Cross, Silver Star Medal, Life Saving Medal, Medal of Meritorious Service, Injury Ribbon, Chief's Coin, and the Captain Tracey Achievement Award selecting an appropriate forum and date most beneficial to public disclosure of the individual's achievement.

The award documentation and public recording of the Medal of Valor, Silver Star Medal, Life Saving Medal, Medal of Meritorious Service, Injury Ribbon, Chief's Coin, or the Captain Tracey Achievement Award will become a permanent part of the recipient's personnel record.

Recipients of the Medal of Valor, Police Cross, Silver Star Medal, Life Saving Medal, Medal of Meritorious Service, and Injury Ribbon are encouraged to wear the corresponding ribbon on the uniform shirt. The Medal of Valor, Silver Star Medal, Life Saving Medal, Medal of Meritorious Service, and Injury Ribbon shall be worn on the dress tunic for all formal occasions. The medals shall be centered on the left breast, in a single row, in order of precedence, from the sternum outward. The top of the suspension ribbon shall be flush with the top edge of the breast pocket. Corresponding bars shall be worn above the left breast pocket. The bars shall be worn so the bottom edge of the bar(s) is flush with the top edge of the pocket flap.
Commendations and Awards

1017.5 MEDALS/RIBBONS

Medal of Valor - The medal shall be the Entenman-Rovin Co. #2000-12479-1, Carltone finish with short blue ribbon with gold trim; AR-1-10 award bar, blue with six stars.

Police Cross - The medal shall be the Entenman-Rovin Co. #150212479-1, Carltone finish with red-white-blue neck ribbon.

Silver Star Medal - The medal shall be the Entenman-Rovin Co. #1600-12479-1, Platiloy finish with blue ribbon; AR-1-2 award bar, blue.

Life Saving Medal - The medal shall be the Entenman-Rovin Co. #1525-12479-1, Carltone finish with red-white ribbon; AR-1-C award bar Red-White

Medal of Meritorious Service - The medal shall be the Entenman-Rovin Co. #1201-12479-1, Carltone finish with red-white-red ribbon; AR-05-01 award bar, red-white.

The Injury Ribbon – The ribbon shall be a purple metal ribbon painted in hard enamel appropriate for the uniform shirt. There will be no medal accompanying the Injury Ribbon.

1017.6 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1017.6.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:
   1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
   2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1017.6.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:
Commendations and Awards

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

2. For individuals from the community - name, address, telephone number

   (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

   (c) The signature of the person submitting the documentation.

1017.6.3 PROCESSING DOCUMENTATION
Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Services secretary for entry into the member’s personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Services Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual’s actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1017.7 AWARDS
Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1017.8 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 86-07.
Fitness for Duty

1018.1 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 (Government Code § 1031). The purpose of this policy is to ensure that all employees of this department remain fit for duty and able to perform their job functions.

1018.2 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.

1018.3 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 Bureau Captain, 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.


**Fitness for Duty**

**1018.4 NON-WORK RELATED CONDITIONS**
Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

**1018.5 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 Bureau Captain, 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.

**1018.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee’s ability to perform job duties (Civil Code § 56.10 (c)(8)(B)). 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)(A)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.
**Fitness for Duty**

Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1018.7 **LIMITATION ON HOURS WORKED**
Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1018.8 **APPEALS**
An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in Policy Manual § 340 (Disciplinary Policy).
Meal Periods and Breaks

1019.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1019.1.1 MEAL PERIODS
Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1019.1.2 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee’s shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers should take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.
Lactation Break Policy

1020.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child (Labor Code § 1034).

1020.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1020.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; 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 employee’s regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify 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.

1020.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee’s work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
Lactation Break Policy

1020.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1020.5.1 STATE REQUIREMENTS
Employees 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.

Employees 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 Record Procedures

1021.1 PURPOSE AND SCOPE
Payroll records are submitted to the Finance Department on a semi-monthly basis for the payment of wages.

1021.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS
Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1021.1.2 TIME REQUIREMENTS
All employees are paid on 5th and 20th of each month with certain exceptions such as holidays. Payroll records shall be completed and submitted to a supervisor no later than the designated time for that payroll period.
Overtime Compensation Requests

1022.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment slip as soon as practical after overtime is worked.

1022.1.1 DEPARTMENT POLICY
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed more than what has been agreed upon in their respective MOU's.

1022.2 REQUEST FOR OVERTIME COMPENSATION
Employees shall first obtain approval for overtime in incidents where the circumstances could cause them to work beyond their normal work hours, (e.g., writing late reports). Employees shall submit all overtime compensation requests to their immediate supervisors using the authorized overtime slip as soon as practical for verification.

Failure to obtain authorization to work overtime may result in discipline.

All employees who are on court standby, per request of the district attorney, do not qualify for overtime compensation.

1022.2.1 EMPLOYEES RESPONSIBILITY
Employees shall complete the requests immediately, using the authorized overtime slip, after working the overtime and turn them in to their immediate supervisor. Employees submitting overtime slips for on-call pay when off-duty shall submit the slips to their supervisor the first day after returning for work.
Overtime Compensation Requests

Employees who appear at court while off-duty, shall get verification of their appearance from the district attorney, or court clerk (court stamp) on the subpoena. The subpoena shall then be attached to the overtime slip.

All overtime slips shall be recorded no later than by the closing of the following pay period in which the overtime was worked.

1022.2.2 SUPERVISORS RESPONSIBILITY
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1022.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., three or five hours for Court). The supervisor will approve the overtime paid.

1022.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
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<tbody>
<tr>
<td>1 to 15 minutes</td>
<td>.25</td>
</tr>
<tr>
<td>16 to 30 minutes</td>
<td>.50</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>.75</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

1022.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.
Outside Employment

1023.1 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.

1023.1.1 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.

1023.2 OBTAINING APPROVAL
No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Application for Outside Work Permit which shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid one year through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Application For Outside Work Permit in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

See attachment: Outside Work Revised August 2016.pdf

1023.2.1 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 within ten days of the date of denial.

If the employee’s appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1023.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:
Outside Employment

(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.

1023.3 PROHIBITED OUTSIDE EMPLOYMENT
Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee’s use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee’s receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee’s duties as a member of this department.

(c) Involves the performance of an act in other than the employee’s capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee’s duties for this department less efficient.

1023.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT
Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.
Outside Employment

1023.3.2 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.

1023.4 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.

1023.4.1 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). 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.

1023.5 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.

1023.6 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
Outside Employment

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:

(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 San Leandro Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

1023.7 RESCINDED POLICY

This policy rescinds San Leandro Operations Directive 87-07.
Occupational Disease and Work-Related Injury Reporting

1024.1 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.

1024.1.1 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.).

1024.2 POLICY
The San Leandro 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.). The San Leandro Police Department will also work directly with the City Human Resources Department, and follow the City of San Leandro Administrative Procedure AP-1540, to determine the work-relatedness of all claims.

See attachment: AP-1540 Reporting Work-Related Injury.pdf

1024.3 RESPONSIBILITIES

1024.3.1 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).

1024.3.1 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.

1024.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Human Resources Division. Copies of the report and related documents retained by the Department shall be filed in the member’s confidential medical file.

1024.3.4 DIVISION COMMANDER RESPONSIBILITIES
The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The
report shall then be forwarded to the Chief of Police, the City’s risk management entity, and the Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1024.4 OTHER DISEASE OR INJURY
Diseases and injuries caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Services Bureau Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1024.5 SETTLEMENT OFFERS
When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1024.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for 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.

1024.6 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 84-03.
Personal Appearance Standards

1025.1 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.

1025.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted an exception. Examples may include persons in undercover assignments or members who do not have regular public contacts.

Uniforms are to be clean, pressed, and of proper fit. No unauthorized clothing will be worn with, under, or over a uniform. Non-uniform clothing will be of a proper fit for their job assignment, clean pressed, and professional.

Appearance fads, including but not limited to hairstyles, tattoos, body piercing, tongue piercing, tongue splitting, or bifurcation, dental ornamentation, branding scarification, fingernails of excessive length, fingernail decorations, or any fad which does not present a professional, conservative appearance is not acceptable.

1025.2.1 HAIR
Hairstyles of all members shall be neat, clean, and well-groomed. It will not present a ragged, extreme, or eccentric appearance. "Faddish" styles or coloring outside the natural hair color spectrum is not permitted. Hair shall not interfere with the wearing of gas masks, helmets, soft hats, or other safety equipment.

For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance. Hair shall not extend more than 3" from the top of the head.

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.

1025.2.2 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.

1025.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.
1025.2.4 FACIAL HAIR
Facial hair is authorized and shall remain at the discretion of the Chief of Police. Facial hair must have a natural color and be neatly trimmed with no exotic patterns or designs. A beard, if worn, shall have no portion that is exceptionally longer than the rest and shall not exceed one inch in length. The neck shall remain clean-shaven, and the perimeter lines of the bread shall be neatly trimmed and defined. A modest goatee beard is permissible, provided it is neatly groomed according to specifications outlined in this policy and contiguous with the mustache so as not to constitute a clump or patch of hair.

The wearing of facial hair cannot present an officer safety issue or interfere with the proper wearing of any department-issued safety equipment. This policy is not intended to allow an employee to continually forego maintaining a clean-shaven appearance unless the employee is in the process of growing a beard, mustache, or goatee.

1025.2.5 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. Polish shall be neutral in color.

1025.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by an employee 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 uniform shirt collar.

(a) Earrings shall not be worn by MALE uniformed members, detectives or special assignment personnel without permission of the Chief of Police. Uniformed FEMALE employees in a Patrol assignment shall limit the wearing of 1 pair of earrings to the post type with a diameter not to exceed 1/4” and with no pendants attached.

(b) Uniformed female employees in non-patrol assignments shall not wear more than 2 earrings in each ear. One pair must be a post type with a diameter not to exceed 1/4” with no pendants attached. The second pair may be of a hoop design not to exceed the size of a quarter. All earrings must be a matched set. Earrings must be worn on the ear lobes. Ear cuffs and gauges are not acceptable.

(c) Only one ring may be worn on each hand of the employee while on-duty. A wedding band may consist of more than one ring, but must be worn together on the same finger.

1025.3 TATTOOS
While on-duty or representing the Department in any official capacity, members shall only display departmentally approved tattoos or other body art. Tattoos are prohibited on the head, face, neck, eyelids, inside the mouth, and ears. Tattoos are also prohibited on the hands, fingers, and below the wrist bone. An exception of one tattoo on a ring finger, not to exceed ½ an inch in width, below the knuckle and above the finger joint closest to the palm of the ring finger.

At no time while on-duty or representing the Department in any official capacity, shall any offensive or unapproved tattoo or body art be visible. Examples of offensive tattoos or body arts include,
**Personal Appearance Standards**

but are not limited to, those which depict or advocate discrimination in any form, exhibit gang, supremacist or extremist group affiliation, obscene graphics, or language, depict violence, or content that is deemed inappropriate, or unprofessional, or offensive by the Chief of Police or designee.

**1025.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible while in 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) Eyebrow rings, nose rings.
(c) The complete or transdermal implantation of any material other than hair replacement.
(d) Abnormal shaping of the ears, eyes, nose or teeth.
(e) Branding or scarification.

**1025.5 RESCINDED POLICY**

This policy rescinds San Leandro Operations Directive 87-35.
Police Explorers

1027.1 PURPOSE AND SCOPE
Explorers work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1027.2 EDUCATION REQUIREMENTS
Explorers are required to maintain a minimum grade point average of 2.0 (“C” grade) for all courses taken, with no grade lower than a "C".

1027.3 PROGRAM COORDINATOR
A Patrol Lieutenant and Patrol Sergeant will serve as the Program Coordinators. These supervisors 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, status for compensation, school attendance and performance evaluations.

1027.3.1 PROGRAM ADVISORS
The Program Coordinators may select individual officers to serve as advisors for the Explorer Program. These officers 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 Coordinators. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the explorers. Multiple explorers may be assigned to each program advisor. 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 Coordinators.

1027.4 ORIENTATION AND TRAINING
Newly hired explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Explorer Training Manual. Training sessions will be scheduled as needed to train explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare explorers to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1027.5 EXPLORER UNIFORMS
Each explorer will be provided uniforms meeting the specifications described below:

Uniform shirt:
- Short Sleeve: Elbeco TexTrop2, style 3311N, light grey in color
- Long Sleeve: Elbeco TexTrop2, style 311N, light grey in color
Police Explorers

Uniform Trousers:
- Flying Cross, 6 pocket pants, 100% wool, LAPD navy
  - Men's 32289
  - Women's 35289
- Flying Cross, 6 pocket pants, 100% polyester, LAPD blue
  - Men's 3221
  - Women's B35222
- Elbeco, 6 pocket pants, classic 100% wool, LAPD blue
  - Men's E8931
  - Women's E8932LC

Footwear:
The footwear shall be of a plain military style, approved by the Chief of Police, Black in color.
The shoes may be conventional low-quarter or high-quarter (half boot) cut, with laced closures.
Uppers shall be of full-grain leather capable of holding a shine or polished appearance. Soles and heels, finished in the conventional low-quarter shoe style, may be of leather, rubber or any other commonly used sole material. Wedge soles are permissible. Resoling and heel repair to restore footwear to original appearance and service is permissible.

Belt:
The belt shall be full-grain cowhide, black in color, with no ornamentation, not less than 1 3/8” wide. The buckle shall be silver with a single tongue, semi square.

Uniform Socks:
Uniform socks shall be black in color. White socks are permissible only when boots are worn, as long as the socks do not show.

Utility Jacket:
5.11 Chameleon soft shell jacket, black in color.

Embroidered Badge:
The approved badge is a silver 3 1/4” by 3 1/4” star with "San Leandro Police Department Explorer" embroidered on it.
Police Explorers

1027.6  RIDE-ALONG PROCEDURES
All explorers are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

1027.7  PERFORMANCE EVALUATIONS
Performance evaluations for all explorers shall be completed yearly, regardless of probation status.
Nepotism and Conflicting Relationships

1028.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1028.1.1 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, 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, grandparent, aunt, uncle, niece, nephew, or first cousin.

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.

1028.2 RESTRICTED DUTIES AND ASSIGNMENTS
The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

   (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

   (c) FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed.

   (d) Whenever possible, during advanced officers courses, instructors will not train relatives.

   (e) Instructors will not qualify relatives in the use of departmental equipment.

   (f) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

   (g) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1028.2.1 EMPLOYEE RESPONSIBILITY

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

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

A subordinate employee shall sign up for a Watch Period on which he/she will not be directly supervised by a relative.

1028.2.2 SUPERVISOR’S RESPONSIBILITY
Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

1028.3 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 88-04.
Department Badges

1029.1 PURPOSE AND SCOPE
The San Leandro Police Department badge and uniform patch as well as the likeness of these items and the name of the San Leandro Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1029.2 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 badges authorized by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

Sworn police officers, hired after January 2011, will be issued their badge upon completion of probation.

For badge specifications refer to the Department Badges Specifications in the procedures manual.

1029.2.1 FLAT BADGE
Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) Should the flat badge become lost, damaged, or otherwise removed from the officer’s control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(b) An honorably separated officer may keep his/her flat badge upon separation.

(c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1029.2.2 PROFESSIONAL STAFF PERSONNEL
Badges and departmental identification cards issued to professional staff personnel shall be clearly marked to reflect the position of the assigned employee (e.g. PST, Dispatcher).

(a) Professional staff 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) Professional staff 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.

1029.2.3 RETIREE BADGE
With approval from the Chief of Police, honorably retired or separated employees may keep his/her assigned duty badge for display purposes. It is intended that the duty badge be used only
Department Badges

as private memorabilia as other uses of the badge may be in violation of this policy, or unlawful (Penal Code § 538d).

1029.2.4 CLOTH BADGE
The Department-approved cloth badge may be used in lieu of the regular issue badge on the standard utility jacket, the lightweight utility jacket, and the rain jacket. The cloth badge will be placed over the badge eyelet holder of these designated garments.

1029.3 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 separated peace officer.

Department badges are issued to all sworn employees and professional staff uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1029.4 PERMITTED USE BY EMPLOYEE GROUPS
The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police.

1029.5 RESCINDED POLICY
This policy rescinds the "Police Badge" section in San Leandro Operations Directive 88-07.
Temporary Modified-Duty Assignments

1030.1 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.

1030.2 POLICY
Subject to operational considerations, the San Leandro 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.

1030.3 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1030.4 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 San Leandro Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.
**Temporary Modified-Duty Assignments**

**1030.5 PROCEDURE**

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses. Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.
(b) The 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 Professional Standards and Training Lieutenant will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Division or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Chief of Police.

**1030.6 ACCOUNTABILITY**

A Modified Duty Assignment letter, which will include a notification of assignments, work schedules and any restrictions will be provided to, and signed by, the employees assigned to temporary modified-duty assignment by the Professional Standards and Training Lieutenant. Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Division Commander. Renewal of modified-duty assignment will be reviewed every 30 days.

**1030.6.1 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.
Temporary Modified-Duty Assignments

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1030.6.2 SUPERVISOR RESPONSIBILITIES
The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1030.7 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.

1030.8 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.

1030.8.1 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.

1030.9 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees
Temporary Modified-Duty Assignments

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

1032.1 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.

1032.1.1 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.

1032.2 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 San Leandro 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.

All members shall also be familiar with the City's Social Media Applications Policy.

See attachment: AP 1011 Social Media Applications Policy.pdf

1032.3 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 San Leandro 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
Employee Speech, Expression and Social Networking

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:

- 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.

1032.4 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 San Leandro 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 San Leandro Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the San Leandro 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 San Leandro 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.
Employee Speech, Expression and Social Networking

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 San Leandro Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).

2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1032.4.1 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 San Leandro Police Department or identify themselves in any way that could be reasonably perceived as representing the San Leandro 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 San Leandro Police Department.
Employee Speech, Expression and Social Networking

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).

1032.5 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, Twitter) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network.

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).

1032.6 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.
San Leandro Police Department
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Employee Speech, Expression and Social Networking

(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.

1032.7 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.

1032.8 RESCINDED POLICY
This policy rescinds San Leandro Operations Directive 10-03
Illness and Injury Prevention

1033.1 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 San Leandro 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.

1033.2 POLICY
The City of San Leandro and the San Leandro Police Department are committed to employee safety in the work place and in furtherance of this commitment has adopted the Injury and Illness Prevention Program (IIPP AP-1060). The City has established, and will maintain, an Injury and Illness Prevention Program that will provide tools, training and safeguards that are designed to reduce the potential for accidents, illnesses and injuries. Nothing in this procedure is intended to impact standard operating procedures in the Police Department which by the very nature may include high-risk situations.

It is the intent of the Department to comply with all laws and regulations related to occupational safety.

To access the City of San Leandro’s IIPP program AP-1060, refer to the attachment.

See attachment: IIPP.pdf
Quiet Room

1035.1 PURPOSE AND SCOPE
The purpose of this policy is to establish procedures and responsibilities for individuals using the Police Department on-site Quiet Room which is available to all members of the San Leandro Police Department.

The Police Department has provided a location designated for off-duty Department personnel to rest following extended work hours, a court appearance or other work related activities making it difficult for personnel to return to their home to sleep. This program will assist employees to better utilize their professional and personal time, mutually benefitting the employee and the Department by providing employees the ability to receive adequate rest prior to resuming their duties or driving home. The use of the Quiet Room is voluntary. This room is not designed for long term stays and shall only be used as directed in this policy.

1035.2 QUIET ROOM
The Quiet Room has been designated gender specific. Employees of different gender shall not use the room simultaneously.

Personnel who wish to utilize the area designated for rest shall adhere to the following procedure:

(a) Obtain the on-duty Patrol Sergeant's authorization.
(b) Sign in on the Quiet Room Log.
(c) Sign in on the white board attached to the Quiet Room.
(d) Utilize any available space in the Quiet Room.
(e) All personal items shall be removed from the Quiet Room prior to exiting. The employee shall erase his/her name from the white board.
(f) Leave the facility in the same or better condition as found.
(g) Advise the on-duty Patrol Sergeant upon leaving the Quiet Room and complete the Quiet Room Log.
(h) Report any repair or maintenance issue to the San Leandro Police Officer's Association.

1035.2.1 QUIET ROOM LOG
The Quiet Room Log shall be maintained in the Patrol Sergeant’s Office. The on-duty Patrol Sergeant shall ensure the log is completed appropriately when personnel are authorized to use the Quiet Room and when personnel leave the Quiet Room.

1035.3 REGULATIONS
- Personnel shall remain modestly clothed while using the Quiet Room.
- Department personnel without authorization shall not enter the Quiet Room.
**Quiet Room**

- The Quiet Room is a City facility and as such, all City and Police Department rules apply. Personnel shall be particularly courteous to others using the Quiet Room.
- The use of alcohol shall not be permitted within the Quiet Room or adjacent areas.
- Tobacco use shall not be permitted within the Quiet Room or adjacent areas.
- No food shall be taken into the Quiet Room.
- The storage of clothing or other personal items shall not be permitted in the Quiet Room beyond the duration of its immediate use.
- The Quiet Room shall not be used by anyone other than Department personnel without the permission of the Chief of Police.
- Personnel using the Quiet Room shall ensure that all utilities have been turned off and doors secured upon leaving.

**1035.4 QUIET ROOM INSPECTION**
The Swing Shift Watch Commander will coordinate with the San Leandro Police Officer's Association to ensure periodic inspections of the Quiet Room are completed to ensure proper maintenance and cleanliness.
Attachments
AP 1000 Harassment discrimination prevention complaint process.pdf
I. APPLICABLE TO

All employees.

II. PURPOSE

The purpose of this procedure is:

A. To reaffirm the City's commitment to prohibit and prevent unlawful discrimination (including harassment) in all workplaces of the City of San Leandro.

B. To define discrimination and harassment prohibited under this policy; and

C. To set forth a complaint procedure to be utilized in resolving allegations of harassment or discrimination.

III. DEFINITIONS

A. Harassment

1. Prohibited harassment for purposes of this policy includes, but is not limited to:

   a. Speech: Such as epithets, derogatory comments or slurs, and lewd propositions on the basis of race, sex, gender, religion, national origin, ancestry, physical or mental disability, medical condition, marital status, age or sexual orientation.

   b. Physical Acts: Such as assault, impeding or blocking movement, offensive touching or physical interference with normal work or movement when directed at an individual on the basis of race, sex, gender, religion, national origin, ancestry, physical or mental disability, medical condition, marital status, age or sexual orientation. This includes pinching, grabbing, patting, propositioning, leering or making explicit or implied threats or promises in return for submission to physical acts.

   c. Visual Insult: Such as derogatory posters, cartoons or drawings related to race, sex, gender, religion, national origin, ancestry, physical or mental disability, medical condition, marital status, age or sexual orientation.

   d. Retaliation: Harassing conduct done in retaliation for good faith submission of discrimination or harassment charges, or good faith participation in an investigation made pursuant to this policy.
2. Verbal, physical, visual or retaliatory conduct based on race, sex, gender, religion, national origin, ancestry, physical or mental disability, medical condition, marital status, age or sexual orientation constitutes harassment when it:

   a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment.
   b. Has the purpose or effect of unreasonably interfering with an individual’s work performance; or
   c. Otherwise adversely affects an individual’s employment opportunities.

3. Sexual harassment is a form of unlawful harassment and will not be tolerated by the City. Federal and State law provide that unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature constitutes unlawful harassment when:

   a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
   b. The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
   c. Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee’s work performance or of creating an intimidating, hostile or offensive work environment.

B. Discrimination: Examples of what may be considered discrimination depend on the facts and circumstances include, but are not limited to, the following:

1. Hiring Practices - Refusing to hire an otherwise qualified candidate because of that person’s race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation or age.

2. Employment Practices - Treating an employee differently from other similarly situated employees in such things as promotion, discipline, work schedules, compensation, work assignments or training because of that person’s race, religion, color, national origin, ancestry, physical or mental disability, medical condition, sexual orientation, marital status, gender or age.

IV. GUIDELINES

Harassment on the job is prohibited whether it involves co-worker harassment, harassment by a supervisor or superior, or harassment by or to persons doing business with or for the City. All employees have a responsibility to ensure that their actions and conduct in the workplace are professional and that they do not offend, discriminate, or in any way, harass
other employees. Supervisory and management personnel have an obligation to ensure that the workplace is free from all types of discrimination, including harassment. They are also responsible for ensuring that all employees receive a copy of this policy and receive all available training regarding the City’s policy on harassment and discrimination.

Any incidents of observed or alleged discrimination or harassment must be treated seriously and immediately reported, orally or in writing, as detailed in Section V. Prompt and appropriate corrective or remedial action must be taken to end any reported and verified discrimination or harassment and to prevent any future discrimination or harassment from reoccurring.

V. PROCEDURE

A. Any supervisor, manager or command personnel observing conduct which might be construed as discrimination or harassment, is required to immediately report such conduct to his/her department head who will then immediately report the conduct to the Human Resources Director or his/her designee. Failure to do so may result in disciplinary action, up to and including termination. The department head will consult with the Human Resources Director regarding the appropriate action that should be taken.

B. Any employee who believes he/she is being harassed or discriminated against, or who witnesses harassment or discrimination against another employee, should report the behavior to their supervisor immediately. In the event that the other involved party is a supervisor, manager, command officer, or for other legitimate reasons, the employee shall immediately report the incident to his/her department head or the Human Resources Director or his/her designee. The report may be made orally or in writing. *Once made aware of the complaint, the department head shall immediately inform the Human Resources Director of any allegations regarding harassment and/or discrimination.*

C. All complaints of harassment or discrimination shall be treated seriously. *With approval from Human Resources, the investigation may be conducted by the department. Otherwise, all investigations shall be conducted by the Human Resources Department in accordance with the City of San Leandro’s Investigation Guidelines (Attachment A).* In that case, the appropriate department head, in consult with the Human Resources Director or his/her designee, shall take the necessary steps to initiate an investigation of the allegations as quickly as possible after the allegations and/or observations are made.

D. If the acts complained of are not very serious and it is believed that the accused party may not realize that his/her conduct is offensive or in violation of City policy, the department, in consultation and/or with assistance from Human Resources, may utilize
an informal process to stop the conduct and to make sure that it never occurs again. However, this informal process may only be used if the complaining employee wants to resolve the problem informally, rather than make a formal complaint. In no event can the informal process be used if the acts complained of are serious; if the accused employee continued to engage in the offensive conduct after the complaining employee told the accused employee to stop; or if the complaining employee wishes to file a formal complaint.

E. In all other cases a complete investigation should be made as soon as possible. The Human Resources Director or his/her designee, in consult with the department head, shall determine who shall conduct the harassment/discrimination investigation, making sure that the individual chosen is able to conduct the investigation fairly, thoroughly and objectively. If the department conducts the investigation, the Human Resources Director or his/her designee shall be informed and kept apprised of the steps and results of the investigation.

F. If it is determined that an employee has violated this policy and engaged in acts of harassment or discrimination of any type or for any duration, the employee may be subject to disciplinary action, up to and including termination of employment.

G. The City shall take all necessary steps to insure that corrective action is taken to prevent future workplace harassment or discrimination. In addition to disciplinary action, up to and including termination, such steps may include, but are not limited to, changing shifts and/or assignments of employees and providing additional supervision and monitoring. It may be necessary to implement these measures while the investigation is pending.

H. Any further incidents of harassment/discrimination or retaliation suffered by an employee should be reported to the department head and to the Human Resources Director or his/her designee immediately so that additional corrective action can be taken.

I. Acts of retaliation against employees who complain of harassment or discrimination or who participate in a harassment or discrimination investigation shall not be tolerated and may result in disciplinary action, up to and including termination, against the individuals who engaged in such action.

J. The Human Resources Department shall keep a file of all complaints and investigations alleging harassment, discrimination or retaliation.
Investigation Guidelines For Formal Complaints

Investigation Procedure: Any investigation shall be conducted in accordance with the City’s applicable regulations and/or procedures. The following investigation guidelines should be utilized when a formal complaint against a City employee has been made or if warranted given the particular facts of each case.

1. **Treat All Complaints Seriously/Act Promptly:** Even if a complaining employee insists that he/she wants nothing done about the complaint, the City has an obligation to promptly investigate each complaint and when appropriate, utilize the following procedure to ensure that all necessary steps are taken so that if the conduct has occurred, it does not continue.

2. **Neutral Investigator:** All investigations need to be objective, fair and thorough. It is important that the individual chosen to do the investigation is unbiased when conducting the investigation. Important factors to consider are:
   a. Does the investigator have any personal knowledge that would be needed as part of the investigation? Could the investigator be a possible witness (even a “reputation witness” for either the complaining party or the accused party?
   b. Has the investigator ever been the subject of a similar complaint or accused someone else of similar misconduct which may affect his/her ability to be unbiased?
   c. Is the investigator too close to either the complaining party or the accused person to investigate the case without it impacting the credibility of the findings?

3. **Conduct of Investigator:** Regardless of what the investigator thinks may have happened, all complaints of harassment must be treated seriously and promptly investigated. The investigator should assure the employee that he/she is taking the complaint very seriously. The investigator should be sensitive and objective while listening to the situation and not make any comments or gestures that would indicate his/her belief regarding the veracity of the complaint.

4. **Detailed Interview with Complainant:** The first step in any investigation is an interview with the complaining employee. The complaining employee should be asked specific questions in order to obtain detailed information about the allegations. The investigator should not assume that he/she knows what the employee means. The employee should be asked to explain any vague or ambiguous statements. Very specific facts should be elicited. Possible questions the investigator might ask the complaining party are:
   a. Who is being accused of the offensive or objectionable behavior?
   b. What kind of relationship did the complainant have with the accused person? Has there ever been a different relationship with the accused person - prior intimate relationship or friendship?
   c. Specifically, what happened? Get details of exactly what was said and done.
   d. Where did the incident take place? (Did the incident take place during or at work or a work function?)
e. When did the incident take place?
f. How many times have such incidents occurred?
g. Have there been other types of incidents? Where and when did they take place?
h. Did the complainant ever tell the accused that the conduct was offensive and to stop? (It is not required that the complaining employee confront the offender. However, if the employee does, it shows that the accused person had notice that the conduct was offensive).
i. Were there any witnesses?
j. What did the complaining employee do after the incident?
k. Did the complaining employee tell anyone about the incident and if so, whom?
l. Does the complaining employee know of any other employees who have been treated this way or who may have a similar complaint about the accused employee?
m. What is the remedy sought by the complaining employee?

5. **Confidentiality of Investigation:** The complaining party should be told that the investigation will be handled as confidentially as possible. The complaining employee and all other individuals who are subsequently interviewed must be advised that they are not to discuss the matter with anyone else, except for the employee’s union or employee association representative if desired. Any union or employee association representative who is informed of such a complaint shall keep the matter strictly confidential and shall only discuss the case on a “needs-to-know” basis with union or association officials and/or the Human Resources Director. The complaining employee should also be advised that the accused party will be confronted and given an opportunity to respond, but will be warned that any acts of retaliation are strictly prohibited and may subject him/her to disciplinary action up to and including termination. The complaining employee should be instructed to immediately inform the investigator, his/her supervisor, or the Human Resources Director if any similar acts continue.

6. **Offer Employee Assistance:** Any complainant should be offered employee assistance counseling, regardless of whether the employee appears in need of counseling and regardless of any initial opinion(s) regarding the veracity of the allegations complained of by the employee.

7. **Determine What Conduct Is At Issue:** When considering the conduct that has been alleged, it is important to consider what type of conduct is at issue. The following questions may be helpful in determining how to categorize the allegations that are made:
   a. What conduct or speech is being complained of?
   b. Does the conduct or speech, if true, constitute misconduct or a violation of the City’s regulations or procedures?
   c. If harassment, is it quid pro quo or hostile work environment?

8. **Interview All Potential Witnesses/Gather All Possible Evidence:** Although it is impossible to determine all the steps that may be needed in any investigation, the investigator should interview any percipient witnesses and/or other persons whom the accused may have similarly harassed, and obtain and evaluate any other evidence that may tend to prove or disprove the allegation.

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9. **Interview the Accused Employee**: A necessary step in any investigation is the interview of the accused employee. The investigator should:

   a. Interview the accused employee (if there are allegations of physical contact or touching, there may be criminal charges involved, so the interview should be conducted accordingly.)
   
   b. Interview all witnesses or names of individuals the accused person provides to disprove the allegation, including any reputation witnesses.
   
   c. Investigate and gather any additional evidence that the accused employee either raises or that comes to light as a result of the interview.

10. **Analysis of Investigation**: In analyzing the evidence from the investigation, the investigator should keep in mind that the objective is to determine whether there has been a regulation violation. In many cases, there will be no witnesses, so it is necessary to evaluate the credibility of the complaining witness and the accused employee. The following factors may be important in evaluating the final outcome of the investigation:

    a. Does the complainant have an improper motive to make the complaint? (Has the complainant made similar complaints against other employees? Is the complainant trying to avoid scrutiny or supervision? Be careful not to turn the investigation into only a background investigation of the complaining party - all evidence should be investigated.)
    
    b. Have there been similar complaints made against the accused person? (Complaints made many years ago, even beyond what could be considered for discipline, should be looked into and may be considered for purposes of corroborating the current complaint.
    
    c. Personality conflicts or friction between the two individuals does not, in and of itself, mean that anything improper occurred or that there was an improper motive or retaliation. However, such evidence should be considered.
    
    d. Has there been a violation of the City Policies and/or Procedures?

11. **When the Employee Denies the Allegations of Misconduct/Evidence of Misconduct is Inconclusive**: If the accused employee denies the allegations of misconduct and there is no evidence to substantiate the complaint one way or the other, the investigator should:

    a. Advise the accused employee that if the alleged conduct had occurred, it would be a violation of the respective regulations and would subject him/her to serious discipline, up to and including, termination.
    
    b. Advise the accused employee that any retaliation against the complaining party is strictly prohibited and may result in disciplinary action, up to and including, termination.
    
    c. Advise the accused employee that a copy of the written complaint and the entire investigatory report with the ultimate determination will kept in a separate file by the Human Resources Department.
    
    d. Even if the charges cannot be sustained, the investigator in conjunction with the department should take whatever action that he/she believes is necessary to reduce
the chance of the alleged misconduct from occurring again.

e. Advise the complaining party that the investigator was unable to conclusively determine that the allegations occurred, however, a copy of the complaint and the disposition will be kept by the Human Resources Department and management will be alerted to the problem. The complaining party should be told of any corrective action that will be made to reduce the chance of the incident happening again. The complainant should be told to immediately report any further incidents or retaliation.

12. **If Evidence Supporting the Allegation(s) is Found**: If the accused employee admits to the misconduct, and/or other evidence in the investigation reveals that a regulation was violated, the investigator should do the following:

a. If the accused employee admits to the misconduct, advise him or her that the conduct must stop immediately and take whatever corrective action is needed to ensure that it is discontinued.

b. Work with the department to implement appropriate disciplinary action, taking into consideration that the City’s regulation indicates that all forms of harassment/discrimination are considered serious misconduct.

c. Inform the complaining employee of the results of the investigation and any corrective action. The employee should be informed that all steps are being taken to prevent any further incidences from occurring. However, any disciplinary action taken against the accused employee is confidential.

d. The complaining employee should be instructed to report any further incidences of sexual harassment, discrimination or retaliation immediately.

e. If the accused employee is not terminated, he/she needs to be informed that any further incidents or acts of retaliation will be grounds for further discipline up to and including termination.

13. **Documentation of Harassment**: Since personnel files can be purged, the Human Resources Department shall keep a separate file on all harassment and discrimination complaints that are filed or raised by or against any individual. Such complaints would be available for purposes of corroboration or to find potential patterns of misconduct that would tend to verify the veracity of any future complaints.
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.
NCRIC LPR Policy.pdf
NCRIC MISSION

The Northern California Regional Intelligence Center (NCRIC) is a multi-jurisdiction public safety program created to assist local, state, federal, and tribal public safety agencies and critical infrastructure locations with the collection, analysis, and dissemination of criminal threat information. It is the mission of the NCRIC to protect the citizens of the fifteen Bay Area counties within its area of responsibility from the threat of narcotics trafficking, organized crime, as well as international, domestic, and street terrorism-related activities through information sharing and technical operations support to public safety personnel.

AUTOMATED LICENSE PLATE READER (ALPR) TECHNOLOGIES

To support authorized law enforcement and public safety purposes of local, state, federal, and tribal public safety agencies, the NCRIC utilizes Automated License Plate Reader (ALPR) technology, and supporting software, to gather and analyze ALPR data to enable the rapid identification and location of vehicles of legitimate interest to law enforcement. ALPR units are attached to law enforcement vehicles or deployed at fixed locations, where they collect license plate information from vehicles on public roadways and public property. In one common use of ALPR technology, license plate encounters are compared against law enforcement “hotlists” – lists of vehicles associated with active investigations, for example, related to Amber Alerts or other missing children, stolen vehicles, or stolen license plates. The information is also retained for a fixed retention period, though it is only re-accessible by law enforcement given a legitimate law enforcement purpose as listed below.

PURPOSE

This NCRIC Automated License Plate Reader Policy (ALPR Policy) defines a minimum set of binding guidelines to govern the use of Automated License Plate Reader Data (ALPR Data), in order to enable the collection and use of such data in a manner consistent with respect for individuals’ privacy and civil liberties.

The NCRIC also completed a NCRIC ALPR Privacy Impact Assessment (PIA) to address in further detail common privacy and civil liberties concerns regarding Automated License Plate Reader technology. The current version of this document is available on the NCRIC web site at www.ncric.org.

AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA

To support the mission of the NCRIC, Law enforcement personnel with a need and right to know will utilize ALPR technology to:

- Locate stolen, wanted, and subject of investigation vehicles;
- Locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement;
NCRIC Automated License Plate Reader Policy

- Locate witnesses and victims of violent crime;
- Locate missing children and elderly individuals, including responding to Amber and Silver Alerts;
- Support local, state, federal, and tribal public safety departments in the identification of vehicles associated with targets of criminal investigations, including investigations of serial crimes;
- Protect participants at special events; and
- Protect critical infrastructure sites.

In gathering, sharing, and storing information the NCRIC complies with all applicable laws, rules, and regulations, including but not limited to, to the extent applicable, the California Values Act (Government Code Section 7284 et seq.). The NCRIC will, consistent with Section 7284.8 (b) work to ensure that databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the sole purpose of immigration enforcement.

RESTRICTIONS ON COLLECTION OF ALPR DATA AND USE OF ALPR SYSTEMS

NCRIC ALPR units may be used to collect data that is within public view, but may not be used for the sole purpose of monitoring individual activities protected by the First Amendment to the United States Constitution.

ALPR operators may not contact occupants of stolen, wanted, or subject-of-investigation vehicles unless the ALPR operators are sworn law enforcement officers. ALPR operators must rely on their parent agency rules and regulations regarding equipment, protection, self-identification, and use of force when stopping vehicles or making contact.

ALPR operators must recognize that the data collected from the ALPR device, and the content of referenced hotlists, consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data. To the greatest extent possible, vehicle and subject information will be verified from separate Law enforcement information sources to confirm the vehicle or subject’s identity and justification for contact. Users of ALPR Data must, to the fullest extent possible, visually confirm the plate characters generated by the ALPR readers correspond with the digital image of the license plate in question.

All users of NCRIC ALPR equipment or accessing NCRIC ALPR Data are required to acknowledge that they have read and understood the NCRIC ALPR Policy prior to use of the ALPR System.

In no case shall the NCRIC ALPR system be used for any purpose other than a legitimate law enforcement or public safety purpose.
NCRIC Automated License Plate Reader Policy

TRAINING

Only persons trained in the use of the NCRIC ALPR system, including its privacy and civil liberties protections, shall be allowed access to NCRIC ALPR Data. Training content shall consist of:

- Legal authorities, developments, and issues involving the use of ALPR Data and technology
- Current NCRIC Policy regarding appropriate use of NCRIC ALPR systems;
- Evolution of ALPR and related technologies, including new capabilities and associated risks;
- Technical, physical, administrative, and procedural measures to protect the security of ALPR Data against unauthorized access or use; and
- Practical exercises in the use of the NCRIC ALPR system

Training shall be updated as technological, legal, and other changes that affect the use of the NCRIC ALPR system occur. In no case shall a person utilize the NCRIC ALPR system if he/she has not completed training in more than a year.

AUDIT

Access to, and use of, ALPR Data is logged for audit purposes. Audit reports will be structured in a format that is understandable and useful and will contain, at a minimum:

- The name of the law enforcement user;
- The name of the agency employing the user;
- The date and time of access;
- The specific data accessed;
- The supplied authorized law enforcement or public safety justification for access; and
- A case number associated with the investigative effort generating the ALPR data query.

Audit reports will be provided periodically and on request to supervisory personnel at the NCRIC and partner agencies.

In addition, no less frequently than every 12 months, the NCRIC will audit a sampling of ALPR system utilization from the prior 12 month period to verify proper use in accordance with the above authorized uses. Any discovered intentional misconduct will lead to further investigation, termination of system access, and notification of the user’s parent agency for appropriate recourse. In addition, the auditing data will be used to identify systemic issues, inadvertent misuse, and requirements for policy changes, training enhancements, or additional oversight mechanisms.

These ALPR audits shall be conducted by a senior NCRIC official other than the person assigned to manage the NCRIC ALPR function. Audit results shall then be reported to the Director of the NCRIC.
DATA QUALITY AND ACCURACY

The NCRIC will take reasonable measures to ensure the accuracy of ALPR Data collected by NCRIC ALPR units and partner agency ALPR systems.

As the downstream custodian of "hotlists", the NCRIC will provide the most recent versions of these lists available and ensure the lists are refreshed from state or federal sources on a daily basis.

The NCRIC acknowledges that, in rare instances ALPR units may inadvertently capture information contrary to the collection guidelines set forth in this policy. Such records will be purged upon identification. Any discovered notable increase in frequency of these incidents from specific ALPR units or agencies will be followed up with for equipment repairs, camera realignment, or personnel training as necessary.

PHYSICAL AND ELECTRONIC SECURITY OF ALPR DATA:

Data collected by ALPR systems is stored in a secured law enforcement facility with multiple layers of physical security and 24/7 security protections. Physical access is limited to law enforcement staff in good standing who have completed background investigations and possess an active security clearance at the "SECRET" or higher level.

NCRIC will utilize strong multi-factor authentication, encrypted communications, firewalls, and other reasonable physical, technological, administrative, procedural, and personnel security measures to mitigate the risks of unauthorized access to the system.

RETENTION OF ALPR DATA:

ALPR Data collected by NCRIC ALPR units or shared from partner agencies' ALPR units shall not be retained longer than 12 months, or the length of time required by the partner agency who is custodian of the record – whichever is shorter. Once the retention period has expired, the record will be purged entirely from all active and backup systems unless a reasonable suspicion has been established that the vehicle identified by the ALPR read is connected to criminal activities.

ALPR records matching an entry in a current law enforcement hotlist will trigger an immediate notification to the officer operating the ALPR unit, the active dispatch officer at the agency owning the ALPR unit, the NCRIC, and the custodial agency of the hotlist. Such notifications are also subject to a maximum retention of 12 months.

ALPR Data obtained with license plate information not appearing on hotlists, and with no immediate reasonable connection to criminal activity, will be retained in secure systems so as to only be made accessible to authorized personnel for a maximum period of twelve months, then purged entirely from all systems. If during the specified retention period there is information which supports a legitimate law enforcement purpose (see above section enumerating AUTHORIZED PURPOSES, COLLECTION, AND
USE OF ALPR DATA) as to a license plate or partial license plate which was recorded and is retained in these systems, then limited access will be permitted for predicate-based querying for potential matches against the parameters specific to the legitimate law enforcement purpose. Such events shall be recorded in an access log showing date, time, name of person seeking access, agency of employment, reason for access, and tracking identifiers such as an agency case number.

ALPR records of vehicles having been identified and linked to criminal investigation will be entered into the relevant NCRIC database(s) and retained for a period of no more than five years. If during the five-year period NCRIC personnel become aware that the vehicle license plate information is no longer associated with a criminal investigation, it will be purged from the NCRIC's databases.

CUSTODIAN OF RECORDS AND RECORDS REQUESTS

Each agency sharing data retains control and ownership as the official custodian of its records, and must independently verify all external information obtained via NCRIC Information Systems. To the extent permitted by law, requests for information under the California Public Records Act or Freedom of Information Act or similar applicable laws will be directed back to the owner of the requested data.

SYSTEM MANAGEMENT AND ACCOUNTABILITY

The NCRIC shall assign a senior officer who will have responsibility, and be accountable, for managing the ALPR Data collected and ensuring that the privacy and civil liberties protection and other provisions of this ALPR Policy are carried out. This individual shall also be responsible for managing a process for maintaining the most current and accurate hotlists available from NCRIC law enforcement sources. This individual shall also have the responsibility for the security of the hotlist information and any ALPR Data which is maintained by the NCRIC. It remains, however, the personal responsibility of all officers with access to ALPR Data to take reasonable measures to protect the privacy and civil liberties of individuals, as well as the security and confidentiality of ALPR Data.

COMMERCIALY CREATED ALPR DATA

Except as explicitly authorized below with regard to critical infrastructure, the NCRIC will not share NCRIC or partner agency ALPR Data with commercial or other private entities or individuals.

DISSEMINATION

The NCRIC may disseminate ALPR data to any governmental entity with an authorized law enforcement or public safety purpose for access to such data. The NCRIC assumes no responsibility or liability for the acts or omissions of other agencies in making use of the ALPR data properly disseminated. Though the NCRIC will make every reasonable effort to ensure the quality of shared ALPR Data and hotlists, it cannot make absolute guarantees of the accuracy of information provided.
NCRIC Automated License Plate Reader Policy

ALPR Information may be disseminated to owners and operators of critical infrastructure in circumstances where such infrastructure is reasonably believed to be the target of surveillance for the purpose of a terrorist attack or other criminal activity. In these situations, the NCRIC also will make notification to appropriate local, state, and federal law enforcement agencies.

Information collected by the ALPR system shall not be disseminated to private parties, other than critical infrastructure owners or operators, as limited above, unless authorized, in writing, by the Director of the NCRIC or his designee. ALPR information shall not be disseminated for personal gain or for any other non-law enforcement purposes.

POLICY REVISIONS

NCRIC ALPR Policies will be reviewed, and updated as necessary, no less frequently than every 12 months, or more frequently based on changes in data sources, technology, data use and/or sharing agreements, and other relevant considerations.

The most current version of the ALPR Policy may be obtained from the NCRIC website at http://www.ncric.org/
Hate Crime Checklist.pdf
# HATE CRIME CHECKLIST

**Victim Type:**
- Individual
  - Legal name (Last, First):
  - Other Names used (AKA):
- School, business or organization
  - Name:
  - Type: (e.g., non-profit, private, public school)
  - Address:
- Faith-based organization
  - Name:
  - Faith:
  - Address:

**Target of Crime (Check all that apply):**
- Person
- Private property
- Public property
- Other

**Nature of Crime (Check all that apply):**
- Bodily injury
- Threat of violence
- Property damage
- Other crime:
  - Property damage - estimated value

**Type of Bias (Check all characteristics that apply):**
- Disability
- Gender
- Gender identity/expression
- Sexual orientation
- Race
- Ethnicity
- Nationality
- Religion
- Significant day of offense (e.g., 9/11, holy days)
- Other:
  - Specify disability (be specific):

**Actual or Perceived Bias – Victim’s Statement:**
- Actual bias [Victim actually has the indicated characteristic(s)].
- Perceived bias [Suspect believed victim had the indicated characteristic(s)].
  - If perceived, explain the circumstances in narrative portion of Report.

**Reason for Bias:**
- Do you feel you were targeted based on one of these characteristics?
  - Yes
  - No
  - Explain in narrative portion of Report.
- Do you know what motivated the suspect to commit this crime?
  - Yes
  - No
  - Explain in narrative portion of Report.
- Do you feel you were targeted because you associated yourself with an individual or a group?
  - Yes
  - No
  - Explain in narrative portion of Report.
- Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
  - Yes
  - No
  - Describe in narrative portion of Report.
- Are there Indicators the suspect is affiliated with a criminal street gang?
  - Yes
  - No
  - Describe in narrative portion of Report.

**Bias Indicators (Check all that apply):**
- Hate speech
- Acts/gestures
- Property damage
- Symbol used
- Written/electronic communication
- Graffiti/spray paint
- Other:
  - Describe with exact detail in narrative portion of Report.

**Relationship Between Suspect & Victim:**
- Suspect known to victim?
  - Yes
  - No
- Nature of relationship:
- Length of relationship:
  - If Yes, describe in narrative portion of Report

**HISTORY**
- Prior reported incidents with suspect? Total #
- Prior unreported incidents with suspect? Total #
- Restraining orders?
  - Yes
  - No
  - If Yes, describe in narrative portion of Report
- Type of order:
  - Order/Case#

**WEAPONS**
- Weapon(s) used during incident?
  - Yes
  - No
  - Type:
- Weapon(s) booked as evidence?
  - Yes
  - No
- Automated Firearms System (AFS) Inquiry attached to Report?
  - Yes
  - No

POST 05/19 (Based on LAPD’s Hate Crime Supplemental Report, used with permission)
**HATE CRIME CHECKLIST**

### EVIDENCE

<table>
<thead>
<tr>
<th>Questions</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Witnesses present during incident?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evidence collected?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photos taken?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Recordings:** [ ] Video [ ] Audio [ ] Booked

**Suspect identified:** [ ] Field ID [ ] By photo

**Known to victim** [ ]

<table>
<thead>
<tr>
<th>Total # of photos:</th>
<th>D#:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Taken by:</th>
<th>Serial #:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### OBSERVATIONS

#### VICTIM

- [ ] Tattoos
- [ ] Shaking
- [ ] Unresponsive
- [ ] Crying
- [ ] Scared
- [ ] Angry
- [ ] Fearful
- [ ] Calm
- [ ] Agitated
- [ ] Nervous
- [ ] Threatening
- [ ] Apologetic
- [ ] Other observations:

#### SUSPECT

- [ ] Tattoos
- [ ] Shaking
- [ ] Unresponsive
- [ ] Crying
- [ ] Scared
- [ ] Angry
- [ ] Fearful
- [ ] Calm
- [ ] Agitated
- [ ] Nervous
- [ ] Threatening
- [ ] Apologetic
- [ ] Other observations:

#### ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

- Has suspect ever threatened you? [ ] Yes [ ] No
- Has suspect ever harmed you? [ ] Yes [ ] No
- Does suspect possess or have access to a firearm? [ ] Yes [ ] No
- Are you afraid for your safety? [ ] Yes [ ] No
- Do you have any other information that may be helpful? [ ] Yes [ ] No

### RESOURCES OFFERED AT SCENE

- [ ] Yes [ ] No

**Type:**

### MEDICAL

<table>
<thead>
<tr>
<th>Victim</th>
<th>Suspect</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

- [ ] Declined medical treatment
- [ ] Will seek own medical treatment
- [ ] Received medical treatment

**Authorization to Release Medical Information, Form 05.03.00, signed?** [ ] Yes [ ] No

**Paramedics at scene?** [ ] Yes [ ] No

**Name(s)/ID #:**

**Unit #:**

**Hospital:**

**Jail Dispensary:**

**Physician/Doctor:**

**Patient #:**

**Officer (Name/Rank) Date**

**Officer (Name/Rank) Date**

**Supervisor Approving (Name/Rank) Date**

POST 05/19
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf
POST Mission Statement

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” 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

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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.


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.
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.

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:

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2As described in CPC 13519.6(b)(8)
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.
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

**Victim Type:**
- [ ] Individual
  - Legal name (Last, First):
  - Other Names used (AKA):
- [ ] School, business or organization
  - Name:
  - Type: (e.g., non-profit, private, public school)
  - Address:
- [ ] Faith-based organization
  - Name:
  - Faith:
  - Address:

**Target of Crime (Check all that apply):**
- [ ] Person
- [ ] Private property
- [ ] Public property
- [ ] Other

**Nature of Crime (Check all that apply):**
- [ ] Bodily injury
- [ ] Threat of violence
- [ ] Property damage
- [ ] Other crime:
  - Property damage - estimated value

**Type of Bias (Check all characteristics that apply):**
- [ ] Disability
- [ ] Gender
- [ ] Gender identity/expression
- [ ] Sexual orientation
- [ ] Race
- [ ] Ethnicity
- [ ] Nationality
- [ ] Religion
- [ ] Significant day of offense (e.g., 9/11, holy days)
- [ ] Other:
  - Specify disability (be specific):

**Actual or Perceived Bias – Victim’s Statement:**
- [ ] Actual bias [Victim actually has the indicated characteristic(s)].
- [ ] Perceived bias [Suspect believed victim had the indicated characteristic(s)].
  - If perceived, explain the circumstances in narrative portion of Report.

**Reason for Bias:**
- Do you feel you were targeted based on one of these characteristics?
  - [ ] Yes
  - [ ] No
  - Explain in narrative portion of Report.
- Do you know what motivated the suspect to commit this crime?
  - [ ] Yes
  - [ ] No
  - Explain in narrative portion of Report.
- Do you feel you were targeted because you associated yourself with an individual or a group?
  - [ ] Yes
  - [ ] No
  - Explain in narrative portion of Report.
- Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
  - [ ] Yes
  - [ ] No
  - Describe in narrative portion of Report.
- Are there indicators the suspect is affiliated with a criminal street gang?
  - [ ] Yes
  - [ ] No
  - Describe in narrative portion of Report.

**Bias Indicators (Check all that apply):**
- [ ] Hate speech
- [ ] Acts/gestures
- [ ] Property damage
- [ ] Symbol used
- [ ] Written/electronic communication
- [ ] Graffiti/spray paint
- [ ] Other: ____________________
  - Describe with exact detail in narrative portion of Report.

**Relationship Between Suspect & Victim:**
- Suspect known to victim?
  - [ ] Yes
  - [ ] No
- Nature of relationship: ____________________
- Length of relationship: ____________________
  - If Yes, describe in narrative portion of Report

**Prior Times:**
- Prior reported incidents with suspect? Total # ____________________
- Prior unreported incidents with suspect? Total # ____________________
- Restraining orders?
  - [ ] Yes
  - [ ] No
  - If Yes, describe in narrative portion of Report
  - Type of order: ____________________
  - Order/Case # ____________________

**Weapons:**
- Weapon(s) used during incident?
  - [ ] Yes
  - [ ] No
  - Type: ____________________
- Weapon(s) booked as evidence?
  - [ ] Yes
  - [ ] No
- Automated Firearms System (AFS) Inquiry attached to Report?
  - [ ] Yes
  - [ ] No

POST 05/19 (Based on LAPD’s Hate Crime Supplemental Report, used with permission)
**HATE CRIME CHECKLIST**

**EVIDENCE**
- Witnesses present during incident? □ Yes □ No
- Evidence collected? □ Yes □ No
- Photos taken? □ Yes □ No
- Total # of photos: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □
- Taken by: ___________ D#: ___________ Serial #: ___________

**Observations**

**Victim**
- □ Tattoos
- □ Shaking
- □ Unresponsive
- □ Crying
- □ Scared
- □ Angry
- □ Fearful
- □ Calm
- □ Agitated
- □ Nervous
- □ Threatening
- □ Apologetic
- □ Other observations: ___________

**Suspect**
- □ Tattoos
- □ Shaking
- □ Unresponsive
- □ Crying
- □ Scared
- □ Angry
- □ Fearful
- □ Calm
- □ Agitated
- □ Nervous
- □ Threatening
- □ Apologetic
- □ Other observations: ___________

**Additional Questions**
- Has suspect ever threatened you? □ Yes □ No
- Has suspect ever harmed you? □ Yes □ No
- Does suspect possess or have access to a firearm? □ Yes □ No
- Are you afraid for your safety? □ Yes □ No
- Do you have any other information that may be helpful? □ Yes □ No

**Resources offered at scene:** □ Yes □ No

**Medical**
- □ Victim
- □ Suspect
- Declined medical treatment
- Will seek own medical treatment
- Received medical treatment

**Paramedics at scene?** □ Yes □ No
- Name(s)/ID #: __________________________
- Hospital: __________________________
- Jail Dispensary: __________________________
- Physician/Doctor: __________________________
- Patient #: __________________________

**Officer (Name/Rank) Date**
- __________________________
- __________________________
- __________________________

**Supervisor Approving (Name/Rank) Date**
- __________________________
Retiree Qual App_0001.pdf
RETIREE CARRY CONCEALED WEAPON APPLICATION

Reason for request:  □ New    □ Renewal    □ Lost

Type of ID:  □ CCW Approved    □ No CCW Privileges

Name: ___________________________________ (Last)  (First)  (MI)

Rank: ____________________________ Badge #:____________________________

Sex: _____ DOB:_______ Height:______ Weight:______ Hair:______ Eye:______

Weapon Make/Model/Caliber ____________________________________________

CDL: ____________________________ Date of Retirement: ____________________________

Mailing Address: _______________________________________________________

Current Phone Number: ________________________

I acknowledge that I am aware that possession of this Identification card with CCW privileges does not excuse me from licensing requirements stipulated in the California Business and Professions Code prior to accepting employment which requires carrying a loaded firearm whether concealed or exposed.

The CCW endorsement under Penal Code 12027 of any officer retired from the Department may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 U.S.C. 926C (d). The CCW endorsement may be immediately and temporarily revoked by the Chief of Police, or his/her designee, when the conduct of a CCW approved retired peace officer compromises public safety.

Signature of Retiree: ____________________________ Date: ____________________________

I authorize the Professional Standards Division to prepare and issue a Retiree Identification Card for the above listed person.

Jeff Tudor, Chief of Police  Date: ____________________________
By signing below, I certify the following:

-The individual listed on page 1 of this document identified themselves to me with their San Leandro Police Department Retiree identification card.

-The individual listed on page 1 of this document performed the San Leandro Off-Duty and Retiree Pistol Qualification, as prescribed in the course of fire.

-The individual listed on page 1 of this document scored greater than 70% with the listed firearm(s), in a safe manner, and from a holster suited for the firearm.

-I am an NRA or law enforcement certified firearms instructor. (Please attach a copy of certificate)

-I am currently employed by a law enforcement agency.

Signature of Instructor: ___________________________ Date: ___________________________

Law Enforcement Agency: ___________________________

Issuing Agency or Organization of Firearms Instructor Certification: ___________________________
Military Equipment Inventory 23 05 15.pdf
San Leandro Police Department Military Use Equipment Inventory

1. Avatar Tactical Robot
   a. Description - A remotely controlled track driven tactical robot that operates on the ground. It enhances the capabilities of officers by allowing them to quickly and safely inspect dangerous situations, prior to sending in officers.
   b. Capabilities: Remote controlled vehicle that provides live images from a ground position.
   c. Quantity: 1
   d. Expected Life Span: 10 years
   e. Purpose: To be used to remotely gain visual/audio data and assist in clearing buildings.
   f. Authorized Use: Assigned Tactical Operation Team Members at the direction of the Tactical Operations Commander.
   g. Fiscal Impact:
      i. Original Purchase Price: $12,589.50 (2011)
      ii. Ongoing Yearly Maintenance: None, unless unexpected damage occurs
   h. Training: Tactical Operation Team members through orientation of the equipment.
   i. Legal and Procedural Rules: The Tactical Robot will be utilized for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law. At no time shall anything be added/attached to the robot to make it weaponized.
   j. Manufacturer Website: https://robotex.com/

2. DJI Mavic 2
   a. Description: Small unmanned remote controlled aerial aircraft that weighs approximately 900 grams.
   b. Capabilities: Remote piloted aerial aircrafts that provide live and recorded video images from aerial positions.
   c. Quantity: 6
   d. Expected Life Span: 3 – 5 years
   e. Purpose: To be deployed when its view would assist officers or incident commanders in situations outlined in SLPD Policy 610.
   f. Authorized Use: In accordance with SLPD Policy 610
   g. Fiscal Impact:
      i. Original Purchase Price: $5,700 each
      ii. Ongoing Yearly Maintenance: $200/per device plus unexpected damage or maintenance issues.
   h. Training: Prior to piloting any unmanned aerial aircraft, pilots must obtain an FAA Remote Pilot License and complete all training required by the FAA.
   i. Legal and Procedural Rules: Any use of the unmanned aerial aircraft will be in strict accordance with constitutional and privacy rights, FAA regulations, and SLPD Policy 610. At no time shall anything be added/attached to the aerial aircraft to make it weaponized.
   j. Manufacturer Website: https://www.dji.com/

3. DJI Mavic Ultra Light (Mini)
a. Description: Small unmanned remote controlled aerial aircraft that weighs approximately 250 grams.
b. Capabilities: Remote piloted aerial aircrafts that provide live and recorded video images from aerial positions in interior spaces.
c. Quantity: 2
d. Expected Life Span: 3 – 5 years
e. Purpose: To be deployed in interior locations when its view would assist officers or incident commanders in situations outlined in SLPD Policy 610.
f. Authorized Use: In accordance with SLPD Policy 610
g. Fiscal Impact:
   i. Original Purchase Price: $720 each (w/accessories in 2020)
   ii. Ongoing Yearly Maintenance: $200/per device plus unexpected damage or maintenance issues.
   iii. Replacement Purchase: $1,007.84 (10/7/2022)
h. Training: Prior to piloting any unmanned aerial aircraft, pilots must obtain an FAA Remote Pilot License and complete all training required by the FAA.
i. Legal and Procedural Rules: Any use of the unmanned aerial aircraft will be in strict accordance with constitutional and privacy rights, FAA regulations, and SLPD Policy 610. At no time shall anything be added/attached to the aerial aircraft to make it weaponized.
j. Manufacturer Website: https://www.dji.com/

4. DJI Matrice 300 RTK M300
   a. Description: Small unmanned remote controlled aerial aircraft that weighs approximately 6000 grams.
   b. Capabilities: Remote piloted aerial aircrafts that provide live and recorded video images from aerial positions with approximately 55 minutes of flight time.
   c. Quantity: 1
d. Expected Life Span: 3 – 5 years
e. Purpose: To be deployed when its view would assist officers or incident commanders in situations outlined in SLPD Policy 610.
f. Authorized Use: In accordance with SLPD Policy 610
g. Fiscal Impact:
   i. Original Purchase Price: $35,968 (2021)
   ii. Ongoing Yearly Maintenance: $200 plus unexpected damage or maintenance issues.
h. Training: Prior to piloting any unmanned aerial aircraft, pilots must obtain an FAA Remote Pilot License and complete all training required by the FAA.
i. Legal and Procedural Rules: Any use of the unmanned aerial aircraft will be in strict accordance with constitutional and privacy rights, FAA regulations, and SLPD Policy 610. At no time shall anything be added/attached to the aerial aircraft to make it weaponized.
j. Manufacturer Website: https://www.dji.com/

5. DJI Matrice 30T
   a. Description: Small unmanned remote controlled aerial aircraft that weighs approximately 3780 grams.
b. Capabilities: Remote piloted aerial aircrafts that provide live and recorded video images from aerial positions with approximately 41 minutes of flight time.

c. Quantity: 1

d. Expected Life Span: 3 – 5 years

e. Purpose: To be deployed when its view would assist officers or incident commanders in situations outlined in SLPD Policy 610.

f. Authorized Use: In accordance with SLPD Policy 610

g. Fiscal Impact:
   i. Future Purchase
   ii. Approximately $20,000
   iii. Ongoing Yearly Maintenance: $200 plus unexpected damage or maintenance issues.

h. Training: Prior to piloting any unmanned aerial aircraft, pilots must obtain an FAA Remote Pilot License and complete all training required by the FAA.

i. Legal and Procedural Rules: Any use of the unmanned aerial aircraft will be in strict accordance with constitutional and privacy rights, FAA regulations, and SLPD Policy 610. At no time shall anything be added/attached to the aerial aircraft to make it weaponized.

j. Manufacturer Website: https://www.dji.com/

6. LENCO MedEvac Armored Vehicle

   a. Description: The LENCO MedEvac vehicle is built on a Ford F-550 chassis weighing approximately 17,000 lbs. It has 0.5 inch thick steel armored bodywork built to withstand 7.62 AP (Armor-Piercing)/.50 Cal BMG (Browning Machine Gun). On board, it is equipped with a fire hose attachment to assist in safe fire suppression operation, oxygen tanks capabilities, lighted work stations and compartments for medical supplies and other equipment.

   b. Capabilities: Safely transporting officers, fire equipment, medical personnel and equipment into dangerous situations. Ability to attach fire hoses to safely extinguish fires in volatile situations.

   c. Quantity: 1

   d. Expected Life Span: 20 years

   e. Purpose: To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents in accordance with SLPD Policy 704.

   f. Authorized Use: The use of armored vehicles shall only be authorized in accordance with SLPD Policy 704.

   g. Fiscal Impact:
      i. Original Purchase Price: Approx. $300,000
         1. $200,000 – State Homeland Security Grant
         2. $50,000 – SLPD Asset Forfeiture Funds
         3. $50,000 – City of Fremont

      ii. Ongoing Maintenance: $500/year, plus unexpected damage or maintenance issues. (low cost because of low mileage)
h. Training: A valid class "C" California driver's license is required to drive the MedEvac.

i. Legal and Procedural Rules: Use is outlined in SLPD Policy 704. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

j. Manufacturer Website: https://www.lencoarmor.com/

7. Mobile Command Post
   a. Description - 2006 GMC Truck outfitted with specialized communications equipment and emergency lights and siren.
   b. Capabilities: A vehicle used as a mobile office that provides shelter, access to Department computer and communication systems during extended events. Also capable of transported staff to a location.
   c. Quantity: 1
   d. Expected Life Span: 20 years
   e. Purpose: To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
   f. Authorized Use: Situations which the Mobile Command Post is authorized for use would include but not be limited to critical incidents, emergencies and natural disasters.
   g. Fiscal Impact:
      ii. Ongoing Yearly Maintenance: $2,000 (average) plus unexpected damage or maintenance issues.
   h. Training: A valid class "C" California driver's license is required to drive the Mobile Command Post.
   i. Legal and Procedural Rules: It is the policy of the Department to use the Mobile Command Post only for official law enforcement purposes, and in accordance with California State law and SLPD Policy 702 and 703 regarding the operation of motor vehicles.
   j. Manufacturer Website: https://www.braunnw.com/

8. Mobile Hostage Negotiations Team Operation Command Vehicle
   a. Description - 2013 Nissan NV 2500 High Roof vehicle outfitted with specialized communication equipment.
   b. Capabilities: A vehicle used as a mobile negotiation operation center that provides shelter, access to Department computer and communication systems during extended events. Also capable of transported staff to a location.
   c. Quantity: 1
   d. Expected Life Span: 20 years
   e. Purpose: To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
   f. Authorized Use: Situations which the Mobile Hostage Negotiations Team Operation Command Vehicle is authorized for use would include but not be limited to critical incidents, emergencies and natural disasters.
   g. Fiscal Impact:
      i. Original Purchase Price: $71,000 (2014)
ii. Ongoing Maintenance: $500 plus unexpected damage or maintenance issues.

h. Training: A valid class "C" California driver's license is required to drive the

i. Legal and Procedural Rules: It is the policy of the Department to use the Mobile Hostage Negotiations Team Operations Command Vehicle only for official law enforcement purposes, and in accordance with California State law and SLPD Policy 702 and 703 regarding the operation of motor vehicles.

9. Remington 870 Express Breaching Shotgun
   a. Description: Remington 870 pistol grip breaching shotgun
   b. Capabilities: Allows for breachers to safely utilize shotgun breaching rounds to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS)
   c. Quantity: 4
   d. Expected Life Span: 25 years
   e. Purpose: To safely gain entry into a barricaded and locked structure which would require and immediate entry due to public safety concerns.
   f. Authorized Use: Approval use by on-duty Watch Commander in critical incidents.
   g. Fiscal Impact:
      i. Original Purchase Price: $799/each (2019)
      ii. Ongoing Yearly Maintenance: $100/each
   h. Training: All officers who use explosive breaching tools shall be trained in explosive breaching instruction and must additionally receive quarterly training for explosive operations.
   i. Legal and Procedural Rules: It is the policy of the SLPD to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
   j. Manufacturer Website: https://royalarms.com/shop/royal-remington-870-express-breaching-shotgun/

10. Primary Weapon System (PWS)
    a. Description: The PWS (Primary Weapon System) has a 16” barrel and is an AR-15 platform rifle. Each rifle is equipped with a Sig Sauer Romeo 4 and Juliet 4 combo optic and Surefire M600 Ultra Scout weapons mounted light, and a Magpul industries M-Lock Sling. The rifle is equipped with a collapsible/adjustable stock. The weapon is loaded with 30-rounds of .223 ammunition by way of a 30-round polymer Magpul Magazine.
    b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
    c. Future Purchase: 40
    d. Expected Life Span: 5-15 years
    e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present
and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.

e. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.

f. Fiscal Impact:

   i. Approximate Purchase: $3,000/each

f. Ongoing Yearly Maintenance: $50/rifle

i. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306

k. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

11. Smith and Wesson M&P 15 VTACII

   a. Description: The S&W has a 16” barrel and is an AR-15 platform rifle. Each rifle is equipped with an Eotech XPS2-0 optic, MBUS sights by Troy Industries, and Surefire Scout weapons mounted light, and a VTac Sling. The rifle also is equipped with a collapsible/adjustable stock. The weapon is loaded with 30-rounds of .223 ammunition by way of a 30-round polymer Magpul Magazine.

   b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

   c. Quantity: 22

   d. Expected Life Span: 5-15 years

   e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.

f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.

g. Fiscal Impact:

   i. Original Purchase Price: $2,371/each

   ii. Ongoing Yearly Maintenance: $50/rifle

h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306

i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
12. Rock River Arms LAR15
   a. Description: The Rock River has a 16” barrel and is equipped with Phantom Flash hider and is an AR-15 style platform. The quad-rail system of the Rock River rifle is equipped with an AimPoint CompM3 optic, Wilson combat sights, Surefire Scout mounted weapon’s light, and Viking Tactical Sling. The rifle also is equipped with a collapsible/adjustable stock. The rifle is chambered in .223 rifle rounds and has a 30-round polymer Magpul magazine. This rifle is primarily used by SLPD SWAT operators.
   b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
   c. Quantity: 16
   d. Expected Life Span: 5-15 years
   e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.
   f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.
   g. Fiscal Impact:
      i. Original Purchase Price: $2,740
      ii. Ongoing Yearly Maintenance: $50/rifle
   h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306
   i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

13. Primary Weapons System MK 1 MOD1 Rifle
   a. Description: The PWS has a 14.5” barrel and is an AR-15 platform rifle. This weapon is equipped with an Eotech XPS2 optic, MagPul BMUS flip up sights, a Surefire Scout weapons mounted light, and a VTac sling. The rifle also is equipped with a collapsible/adjustable stock. The rifle is chambered in .223 rifle rounds and has a 30-round polymer Magpul magazine. This rifle is primarily used by SLPD Officers assigned to the Traffic Division and who primarily utilize Motorcycles while in-service.
   b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
   c. Quantity: 5
   d. Expected Life Span: 5-15 years
   e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats
which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.

f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.

g. Fiscal Impact:
   i. Original Purchase Price: $2,690
   ii. Ongoing Yearly Maintenance: $50/rifle

h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306.

i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

14. Larue Tactical LT-762
   a. Description: The Larue rifle has a 16” barrel and is an AR-10 style rifle. This weapon is equipped with a Nightforce ATACR 5-25X56 F1 rifle scope, Surefire Socom 762-RC suppressor, bipod, and Tactical Intervention Sling system. The rifle is chambered in .308/7.62 NATO rifle rounds and has a 20-round polymer Magpul magazine. This rifle is used by the SLPD Snipers who are also members of the SLPD SWAT Team.
   b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
   c. Quantity: 4
   d. Expected Life Span: 5-15 years
   e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.
   f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.
   g. Fiscal Impact:
      i. Original Purchase Price: $6,925
      ii. Upgraded Sniper Scope: $2,749 (2019)
      iii. Ongoing Yearly Maintenance: $50/rifle
   h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306.
i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

15. Smith and Wesson Sport

a. Description: This S&W has a 16” barrel and is an AR-15 platform. As per Lexipol Policy 306, it is equipped with a dedicated lighting system, an approved sighting system as well as mounted backup front and rear sights. The rifle also is equipped with a collapsible/adjustable stock. The rifle is chambered in .223 rifle.

b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

c. Quantity: 1

d. Expected Life Span: 5-15 years

e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.

f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.

g. Fiscal Impact:
   i. Original Purchase Price: Personally owned (2017)
   ii. Ongoing Yearly Maintenance: None/personally owned

h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306

i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

16. Spike Tactical Crusader AR 15

a. Description: This Spike Tactical rifle has a 16” barrel and is an AR-15 platform. As per Lexipol policy 306, it is equipped with a dedicated lighting system, an approved sighting system as well as mounted backup front and rear sights. The rifle also is equipped with a collapsible/adjustable stock. The rifle is chambered in .223 rifle.

b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

c. Quantity: 1

d. Expected Life Span: 5-15 years

e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which
could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.

f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.

g. Fiscal Impact:
   i. Original Purchase Price: Personally owned (2019)
   ii. Ongoing Yearly Maintenance: None/personally owned

h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306

i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

17. Spike Tactical ST15
   a. Description: This Spike Tactical rifle has a 16” barrel and is an AR-15 platform. As per Lexipol policy 306, it is equipped with a dedicated lighting system, an approved sighting system as well as mounted backup front and rear sights. The rifle also is equipped with a collapsible/adjustable stock. The rifle is chambered in .223 rifle.
   b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
   c. Quantity: 1
   d. Expected Life Span: 5-15 years
   e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.
   f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.
   g. Fiscal Impact:
      i. Original Purchase Price: Personally owned (2020)
      ii. Ongoing Yearly Maintenance: None/personally owned
   h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306
   i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

18. Rock River LAR -15
   a. Description: This Rock River rifle has a 16” barrel and is an AR-15 platform. As per Lexipol policy 306, it is equipped with a dedicated lighting system, an approved sighting system as
well as mounted backup front and rear sights. The rifle also is equipped with a collapsible/adjustable stock. The rifle is chambered in .223 rifle.

b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

c. Quantity: 1

d. Expected Life Span: 5-15 years

e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.

f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.

g. Fiscal Impact:
   i. Original Purchase Price: Personally owned (2009)
   ii. Ongoing Yearly Maintenance: None/personally owned

h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306

i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

19. Bravo Company BCM4

   a. Description: 16” barrel and is an AR-15 platform. As per Lexipol policy 306, it is equipped with a dedicated lighting system, an approved sighting system as well as mounted backup front and rear sights. The rifle also is equipped with a collapsible/adjustable stock. The rifle is chambered in .223 rifle.

   b. Capabilities: Ability to be fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

   c. Quantity: Future

   d. Expected Life Span: 5-15 years

   e. Purpose: In accordance with SLPD Policies 300 and 306, rifles are to be used as precision weapons to address a threat which require increased accuracy and/or to reach threats which are at a greater distance than a handgun can possibly proficiently address, if present and feasible. This weapons system is also designed to ballistically address threats which could be protected by body armor, preventing a handgun from being able to address proficiently or effectively.

   f. Authorized Use: Only members that are POST certified and have received training specific to the use of patrol rifles during the course of their duties are authorized to use carry and/or use the patrol rifle in accordance with SLPD Policies 300 and 306.

   g. Fiscal Impact:
i. Purchase Price: Personally owned
   ii. Ongoing Yearly Maintenance: None/personally owned

h. Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to qualify in accordance with SLPD Policy 306

i. Legal and Procedural Rules: Use of the patrol rifle is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

20. Winchester .223 Rifle Rounds
   a. Description - Winchester .223 Remington ammunition features a lead core 55 grain full metal jacketed bullet known for its positive functioning and exceptional accuracy. The cartridge is non-corrosive, with a heat-treated (annealed) reloadable brass shell casing and boxer primer.
   b. Capabilities: Can be fired from a .223 rifle at a long distance. This rifle round has a muzzle velocity of 3240 feet per second, and a muzzle energy of 1282 foot pounds.
   c. Quantity: 9000
   d. Expected Life Span: No Expiration Date
   e. Purpose: To be fired from authorized rifles accordance with SLPD Policies 300 and 306
   f. Authorized Use: In accordance with SLPD Policy 300 and 306.
   g. Fiscal Impact:
      i. Purchase Price: $670/case of 1,000
      ii. Ongoing Maintenance: None
   h. Training: Approved range training in accordance with SLPD Policy 306.
   i. Legal and Procedural Rules: Use of the patrol rifle ammunition is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles and ammunition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

21. Hornady Trap .223 Training Rifle Rounds
   a. Description - Hornady TAP Training .223 ammunition features a lead core 55 grain full metal jacketed bullet that delivers reliable functioning, accuracy, and point of aim/point of impact consistency when compared to comparable duty rounds. This cartridge comes in brass, reloadable shell casings.
   b. Capabilities: Can be fired from a .223 rifle at a long distance. This rifle round has a muzzle velocity of 3240 feet per second, and a muzzle energy of 1282 foot pounds.
   c. Quantity: 40,000+
   d. Expected Life Span: No Expiration Date
   e. Purpose: To be fired from authorized rifles accordance with SLPD Policies 300 and 306
   f. Authorized Use: In accordance with SLPD Policy 300 and 306.
   g. Fiscal Impact:
      i. Purchase Price: $220/case of 500
      ii. Ongoing Maintenance: None
      iii. Purchased 4,500 rounds @ $1,980+tax/shipping
Training: Approved range training in accordance with SLPD Policy 306.

i. Legal and Procedural Rules: Use of the patrol rifle ammunition is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles and ammunition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

22. Hornady Trap Urban .223 Rifle Rounds
   a. Description - Hornady TAP Urban .223 duty ammunition features a 60 grain match grade, polymer tipped, fragmenting (with cannelure) bullet. The cartridge offers high velocity and performance similar to that of other polymer tipped Hornady .223 bullets. The 60 grain bullet transfers more energy to the target for enhanced terminal performance. The cartridge has a match grade brass composite shell casing and a small rifle, staked primer pocket. This rifle round has a muzzle velocity of 3124 feet per second, and a muzzle energy of 1300 foot pounds.
   b. Capabilities: Can be fired from a .223 rifle at a long distance. This rifle round has a muzzle velocity of 3124 feet per second, and a muzzle energy of 1300 foot pounds.
   c. Quantity: 28,000+
   d. Expected Life Span: No Expiration Date
   e. Purpose: To be fired from authorized rifles accordance with SLPD Policies 300 and 306
   f. Authorized Use: In accordance with SLPD Policy 300 and 306.
   g. Fiscal Impact:
      i. Purchase Price: $160/case of 200
      ii. Ongoing Maintenance: None
      iii. Purchased 8,000 rounds @ $1,980 + tax/shipping to replenish for upcoming training
   h. Training: Approved range training in accordance with SLPD Policy 306.
   i. Legal and Procedural Rules: Use of the patrol rifle ammunition is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles and ammunition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

23. Hornady Trap .308 Rifle Round
   a. Description - Hornady TAP Precision .308 duty ammunition features a 155 grain match grade, polymer tipped bullet. The cartridge offers match accuracy with a high ballistic coefficient to provide superior long-range performance and accuracy. The bullet provides controlled and impressive soft tissue expansion without over penetration. The bullet also penetrates glass with minimal deflection. The cartridge has a match grade brass composite shell casing and a large rifle, staked primer pocket. This rifle round has a muzzle velocity of 2637 feet per second, and a muzzle energy of 2393 foot pounds.
   b. Capabilities: Can be fired from a .223 rifle at a long distance. This rifle round has a muzzle velocity of 2637 feet per second, and a muzzle energy of 2393 foot pounds.
   c. Quantity: 4,000
   d. Expected Life Span: No Expiration Date
   e. Purpose: To be fired from authorized rifles accordance with SLPD Policies 300 and 306
   f. Authorized Use: In accordance with SLPD Policy 300 and 306.
g. Fiscal Impact:
   i. Purchase Price: $250/case of 200
   ii. Ongoing Maintenance: None
   iii. Purchased 2,600 rounds @ $3,250 +tax/shipping

h. Training: Approved range training in accordance with SLPD Policy 306.
   i. Legal and Procedural Rules: Use of the patrol rifle ammunition is regulated by SLPD Lexipol Policies 300 and 306. It is the policy of the SLPD to utilize rifles and ammunition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

24. Remington 870 Less Lethal Shotgun
   a. Description: Remington 870 Less Lethal Shotgun modified for use of less lethal munitions.
   b. Capabilities: Ability to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to 75 feet.
   c. Quantity: 35
   d. Expected Life Span: 25 years
   e. Purpose: In accordance with SLPD Policies 300, 303 and 431, their use will limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
   f. Authorized Use: Only members who have been trained in the use of less lethal shotguns are authorized to utilize them in accordance with SLPD Policies 300, 303, and 431
   g. Fiscal Impact:
      i. Purchase Price: $880
      ii. Ongoing Yearly Maintenance: $50/shotgun
   h. Training: All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit.
   i. Legal and Procedural Rules: Use is established under SLPD Lexipol 300, 303, and 431. It is the policy of the SLPD to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

25. 40mm LMT Tactical Single Launcher
   a. Description - The 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length.
   b. Capabilities: The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length.
   c. Quantity: 3
   d. Expected Life Span: 15 years
   e. Purpose: To be utilized in accordance with SLPD Policies 300, 303, and 431.
   f. Authorized Use: Only trained members are authorized to utilize launcher in accordance with SLPD Policy 300,303, and 431.
   g. Fiscal Impact:
26. Chemical Agents and Smoke Canisters
   a. Description:
      i. Defense Technology Ferret 40mm CS Powder Barricade Round
         1. Description: Ferret 40mm CS Powder Barricade Round is filled with a CS powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.
         2. Capabilities: The munition is launched from a 40mm launcher and travels at 375 feet per second with an effective range of 54 yards.
         3. Quantity: 39
         4. Expected Life Span: 5 years
         5. Fiscal Impact:
            a. Purchase Price: $25.05/round
            b. Ongoing Maintenance: None
      ii. Defense Technology Direct Impact 40mm OC Crushable Foam Round
         1. Description: The 40mm Direct Impact OC munition is a point-of-aim, point-of-impact direct-fire round. When loaded with OC powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.
         2. Capabilities: The munition is launched from a 40mm launcher travels at an average velocity of 305 feet per second with an effective range of 5 ft – 120 ft.
         3. Quantity: 24
         4. Expected Life Span: 5 years
         5. Fiscal Impact:
            a. Purchase Price: $32/round
            b. Ongoing Maintenance: None
      iii. Defense Technology #3 Smoke Grenade
         1. Description: Slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations.
         2. Capabilities: Discharges smoke
3. Quantity: 30
4. Expected Life Span: 5 years
5. Fiscal Impact:
   a. Purchase Price: $34.20/each
   b. Ongoing Maintenance: None

iv. Defense Technology Han-Ball CS Grenade
1. Description: The rubber ball round has an overall size of 4.8” tall, including the fuze head, and 3.1” diameter. This launchable grenade holds approximately 1.6 oz. of active agent which is expelled through three ports around the equator of the ball.
2. Capabilities: The Han-Ball CS grenade is an outdoor use grenade that expels its payload in approximately 15-20 seconds.
3. Quantity: 24
4. Expected Life Span: 5 years
5. Fiscal Impact:
   a. Purchase Price: $42.80/each
   b. Ongoing Maintenance: None

v. Defense Technology CS Baffled Canister Grenade
1. Description: Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.
2. Capabilities: These canisters have a discharge time of 20-40 seconds.
3. Quantity: 171
4. Expected Life Span: 5 years
5. Fiscal Impact:
   a. Purchase Price: $43.75/each
   b. Ongoing Maintenance: None

vi. Defense Technology Ferret 12-Gauge Liquid CS Barricade Round
1. Description: The Ferret 12-Gauge Liquid CS non-pyrotechnical properties eliminate the fire hazard common with other products. This liquid carrier provides additional weight over powder carriers, improving barricade penetration potential. Liquid carriers contain red dye to aid in shot placement. This munition deploys .025 oz. of active agent.
2. Capabilities: This round has a velocity of 1000 feet per second and a range of 50 – 100 yards.
3. Quantity: 5
4. Expected Life Span: 5 years
5. Fiscal Impact:
   a. Purchase Price: $8.70/round
   b. Ongoing Maintenance: None

vii. Defense Technology 2430 12GA CS Powder Projectile
1. Description: Liquid filled, non-burning, fin-stabilized rounds designed to penetrate light to intermediate barriers such as windows and hollow core
doors. The projectiles break upon impact and deliver agent payloads of powder throughout the adjacent target area.

2. Capabilities: This munition has a velocity of 650-750 feet per second, and a range of 50 yards.

3. Quantity: 10

4. Expected Life Span: 5 years

5. Fiscal Impact:
   a. Purchase Price: $8.70/round
   b. Ongoing Maintenance: None

b. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use: Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents in accordance with SLPD Policies 300, 303 and 431.

d. Training: POST Certified Chemical Agent Course.

e. Legal and Procedural Rules: Use is established under SLPD Policies 300, 303, and 431. Utilization of chemical agents is only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

27. Impact Rounds/Munitions
   a. Description:
      i. Defense Technology Direct Impact 40mm Marking Crushable Foam Round
         1. Description: The 40mm Direct Impact Marking munition is a point-of-aim, point-of-impact direct-fire round. When loaded with a green marking agent, the Direct Impact can be used to indicate the aggressor in a crowd or riot situation to the team on the ground.
         2. Capabilities: The munition travels at a velocity of 305 feet per second with an effect range of 5 ft – 120 ft.
         3. Quantity: 6
         4. Expected Life Span: 5 years
         5. Fiscal Impact:
            a. Purchase Price: $31.80/round
            b. Ongoing Maintenance: None

ii. Defense Technology eXact iMPact 40mm Standard Range Sponge Round
    1. Description: The eXact iMPact 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher’s rifled barrel. The round utilizes smokeless powder as the propellant, and therefore, has velocities that are extremely consistent. Used for crowd control, patrol and tactical applications.
    2. Capabilities: This munition travels at a velocity of 345 feet per second with a range of 5 ft – 131 ft.
    3. Quantity: 250
4. Expected Life Span: 5 years
5. Fiscal Impact:
   a. Purchase Price: $32.35/round
   b. Ongoing Maintenance: None

iii. Defense Technology Stinger 40mm 60-caliber Rubber Ball Round
1. Description: The Stinger 40mm 60-caliber round is most widely used as a crowd management tool. The round contains approximately eighteen 60-caliber rubber balls. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37mm counterpart. It is suitable for administering a means of pain compliance over a greater distance than its 32-caliber Stinger counterpart. Used for routing crowds or groups that are mildly resistive
2. Capabilities: The munition has a velocity of 325 feet per second, and a range of 15 ft – 50 ft.
3. Quantity: 31
4. Expected Life Span: 5 years
5. Fiscal Impact:
   a. Purchase Price: $31.80/each
   b. Ongoing Maintenance: None

iv. Defense Technology Bean Bag 40mm
1. Description: The 40mm Bean Bag Round is most widely used as a crowd management tool when there is a need to target individual instigators. It has also been successfully used as a dynamic, high-energy single subject round for incapacitation or distraction. The round contains one silica sand-filled bag. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37mm black powder counterpart.
2. Capabilities: This munition has a velocity of 220 feet per second, and a range of 20 ft – 60 ft.
3. Quantity: 41
4. Expected Life Span: 5 years
5. Fiscal Impact:
   a. Purchase Price: $29.25/round
   b. Ongoing Maintenance: None

v. 2581 12GA Super-Sock Bean Bag, Point Control Impact Munition
1. Description: The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to “unfold” or “stabilize.” The Super-Sock is an aerodynamic projectile, and its accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is first in its class providing the point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects.
2. Capabilities: This munition has a velocity of 270-290 feet per second, and a range of 75 feet.
3. Quantity: 27
4. Expected Life Span: 5 years
5. Fiscal Impact:
   a. Purchase Price: $6.10/each
   b. Ongoing Maintenance: None
   vi. Drag Stabilized 12 GA Bean Bag Round
   1. Description: The Drag Stabilized 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and smokeless powder as the propellant.
   2. Capabilities: This round has a velocity of 270 feet per second and range of 20 ft – 75 ft.
   3. Quantity: 585
   4. Expected Life Span: 5 years
   5. Fiscal Impact:
      a. Purchase Price: $6.45/each
      b. Ongoing Maintenance: None
      c. Future Purchase:
         i. 130 @ approximately $6.45/each
   vii. Defense Technology CS Baffled Canister Grenade
   b. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
   c. Authorized Use: Only officers who have received training in the use impact weapons are authorized to use them in accordance with SLPD Policy 300, 303 and 431.
   d. Training: Crowd control and Use of Force Training.
   e. Legal and Procedural Rules: Use is established under SLPD Policies 300, 303 and 431. Utilization of impact weapons is only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

   a. Description: The 11-Gram Non-Reloadable Distraction Device incorporates an M201A1 type fuze with hex design gun steel body. This compact version of the 8933 Low Roll Distraction Device body is the newest version of the original reusable non-bursting canisters that limits movement and rolling once deployed. The steel body is designed to reduce rolling, fit in tactical pouches easily, and deliver the safest and most effective stimuli in the industry.
   b. Capabilities:
   c. Quantity: 31
   d. Expected Life Span: 5 years
   e. Purpose: A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage
   f. Authorized Use: Only by officer who have been trained in their proper use during high-risk situations where their use would enhance officer safety or in training environments.
g. Fiscal Impact:
   i. Purchase Price: $68.55
   ii. Ongoing Maintenance: None

h. Training: POST Certified diversionary device training.
i. Legal and Procedural Rules: Utilization of diversionary devices is only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

29. Royal Arms T.E.S.A.R-1 Orange Cap Breaching Round
   a. Description - Royal Arms T.E.S.A.R-1 Orange Cap 275 Grain Copper Frangible Breaching Round.
   b. Capabilities: Can be fired from a breaching shotgun with a velocity of 1,750 ft p/second – 18” barrel to defeat solid wood doors, locks and hinges.
   c. Quantity: None (anticipated procurement)
   d. Expected Life Span: No Expiration Date
   e. Purpose: To safely gain entry into a barricaded and locked structure which would require and immediate entry due to public safety concerns.
   f. Authorized Use: Approval use by on-duty Watch Commander in critical incidents.
   g. Fiscal Impact:
      i. Purchase Price: $112.50/Case of 25
      ii. Ongoing Maintenance: None
   h. Training: All officers who use explosive breaching tools shall be trained in explosive breaching instruction and must additionally receive quarterly training for explosive operations.
i. Legal and Procedural Rules: It is the policy of the SLPD to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.

30. Royal Arms T.E.S.A.R-2 Black Cap Breaching Round
   a. Description - Royal Arms T.E.S.A.R-2 Black Cap 425 Grain Copper Frangible Breaching Round
   b. Capabilities: Can be fired from a breaching shotgun with a velocity of 1,525 ft p/second – 18” barrel to defeat heavy locks, cross-bolts and hinges. (Solid oak doors – steel doors).
   c. Quantity: None (anticipated procurement)
   d. Expected Life Span: No Expiration Date
   e. Purpose: To safely gain entry into a barricaded and locked structure which would require and immediate entry due to public safety concerns.
   f. Authorized Use: Approval use by on-duty Watch Commander in critical incidents.
   g. Fiscal Impact:
      i. Purchase Price: $112.50/Case of 25
      ii. Ongoing Maintenance: None
   h. Training: All officers who use explosive breaching tools shall be trained in explosive breaching instruction and must additionally receive quarterly training for explosive operations.
i. Legal and Procedural Rules: It is the policy of the SLPD to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.
WAIVER GRANTING DISCLOSURE OF CONFIDENTIAL
PEACE OFFICER PERSONNEL RECORDS

I, ________________, am an applicant for the position of ________________ with the SAN LEANDRO POLICE DEPARTMENT. I understand that the SAN LEANDRO POLICE DEPARTMENT, my prospective employer, its agents and/or assigns, cannot make a determination regarding my fitness for this position without a full and unrestricted disclosure of any and all information relative to my performance as a peace officer, including personnel records or other information in your possession which may be deemed confidential pursuant to Government Code §6254(c) or Penal Code §832.5 and subject to withholding or redaction under Penal Code §832.7, or which may be protected from disclosure under Evidence Code §1043 and §1045, including, but not limited to: records of application, appraisal, counseling, attendance, payroll, complaints, completed and current but uncompleted investigations that may lead to discipline or findings of misconduct, any discipline, criminal history, commendation, promotion, training and education, experience, professional certification, character reference, or personal data, and records or information which may, as a result of an agreement between the undersigned and the Department Head, have been sealed.

I hereby acknowledge that a legal privilege exists concerning these records, that I am waiving that privilege for this specific purpose, and I hereby acknowledge that the Department and its Custodian of Records has been or will be served with my authorization, knowing and voluntary request for disclosure of my confidential peace officer personnel records within any period prior to the expiration date noted below. I have been offered a copy of this waiver and shall not require any additional notification thereof. This waiver is specifically granted to determine my eligibility and qualifications for employment with the SAN LEANDRO POLICE DEPARTMENT. I understand, acknowledge, and agree that the SAN LEANDRO POLICE DEPARTMENT may provide you criminal background information or information regarding any convictions for crimes of moral turpitude found or uncovered during its background investigation.

Therefore, I direct you to release the information described above to the bearer of this form, and I knowingly and voluntarily exonerate, release and discharge you, the SAN LEANDRO POLICE DEPARTMENT, and the City of San Leandro, and its elected and appointed officials, employees, officers, agents and assigns from any liability, claim or damages, now or in the future, whether in law or in equity, on behalf of myself, my agents heirs or assigns, for granting disclosure of my confidential peace officer personnel records at my own request for employment purposes.

I agree that this form will be valid for one (1) year from the date of execution pursuant to California Civil Code Section 1798.24(b).

_________________________________________________________
Signature of Applicant                        Date

_________________________________________________________
Printed Name of Applicant

State of California )
County of Alameda )

On ____________________________ before me, __________________, Notary Public, personally appeared __________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ______________________________________ (Seal)
San Leandro Police Department
Intranasal Narcan (Naloxone) Usage Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>(Circle One) Citizen / Officer</th>
<th>Time of Arrival:</th>
<th>Case Number:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Location of Incident (Number, Street, Business):</th>
<th>Name of Police Officer Administering:</th>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Name of Victim:</th>
<th>Address: (no., street, city/town, state)</th>
<th>D.O.B.:</th>
<th>Male</th>
<th>Female</th>
<th>Unk.</th>
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<table>
<thead>
<tr>
<th>Victim status prior to administering Intranasal Narcan: (Check one in each section)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of consciousness-Victim responds to: □ Alert □ Verbal Stimulus □ Painful Stimulus □ Unresponsive □ Other: (specify)</td>
</tr>
<tr>
<td>Breathing: □ Rapidly (&gt;24 BPM) □ Slowly (&lt;10 BPM) □ Normally (12-20 BPM) □ Not Breathing</td>
</tr>
<tr>
<td>Pulse: □ Rapid (&gt;100) □ Slow (&lt;60) □ Normal (60-100) □ No Pulse □ Did not check pulse</td>
</tr>
<tr>
<td>Constricted Pupils (Pinpoint): □ Yes □ No</td>
</tr>
<tr>
<td>Other indicators: □ College student □ Military/Police/Governmental Service</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Evidence of Opioid Usage:</th>
<th>Yes</th>
<th>No</th>
<th>If yes, specify below in comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>If drug packages found at scene, describe stamp or marking:</td>
<td></td>
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<table>
<thead>
<tr>
<th>Victim overdosed on what drugs? (Check all that apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Heroin □ Morphine □ Codeine □ Methadone □ Suboxone □ Unknown Pills □ Unknown Injection</td>
</tr>
<tr>
<td>□ Fentanyl □ Prescription Medication □ Unknown □ Other: (specify)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time Intranasal Narcan was administered:</th>
<th>Number of vials of Intranasal Narcan used:</th>
<th>Half</th>
<th>One</th>
<th>Two</th>
</tr>
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<table>
<thead>
<tr>
<th>If Narcan worked, how long did Intranasal Narcan take to work?</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Less than 1 minute □ 1-3 minute(s) □ 3-5 minutes □ more than 5 minutes □ Unknown □ Did not work</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Victim’s response to Intranasal Narcan being administered:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ No Response to Narcan □ Responsive but Sedated □ Responsive and Alert □ Responsive and Angry □ Combative □ Other:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Post-intranasal Narcan responses: (Check all that apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ None □ Opiate Withdrawal (e.g. nauseated, muscle aches, runny nose and/or watery eyes, shivering, and sweaying) □ Respiratory Distress</td>
</tr>
<tr>
<td>□ Seizure □ Vomiting □ Other: (specify)</td>
</tr>
</tbody>
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<thead>
<tr>
<th>What else was done by the police officer? (Check all that apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Verbal Stimulus □ Tactile Stimulus □ Recovery Position □ Bag Valve Mask □ Mouth to Mask □ Mouth to Mouth</td>
</tr>
<tr>
<td>□ Defibrillator: (If checked, indicate status of shock) □ Defibrillator - no shock □ Defibrillator - shock administered</td>
</tr>
<tr>
<td>□ Chest Compressions □ Oxygen □ Other: (specify)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Was Intranasal Narcan administered by anyone else at the scene?</th>
<th>Yes (If yes, check all that apply)</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ EMS □ Bystander □ Other: (specify)</td>
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<tr>
<th>Disposition: (Check one)</th>
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<tbody>
<tr>
<td>□ Care transferred to EMS □ Other (specify)</td>
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<thead>
<tr>
<th>Was a paramedic on scene prior to being transported?</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>□ Yes □ No</td>
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<thead>
<tr>
<th>Did the person live?</th>
<th>Yes</th>
<th>No</th>
<th>Unknown</th>
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</thead>
<tbody>
<tr>
<td>□ Yes □ No □ Unknown</td>
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<thead>
<tr>
<th>Transported to which Hospital:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transporting Ambulance:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments:</th>
<th>□ Cross-referenced related case number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Number:</td>
<td>Expiration Date:</td>
</tr>
</tbody>
</table>
SLPD Patrol Rifle Specs.pdf
San Leandro Police Department
Personal Patrol Rifle Program

**Objective**

To allow officers to carry their personally owned AR-15 variant rifles while on duty.

**Definitions**

**Rifle:** Any .223/5.56 mm semi-auto AR-15 variant rifle manufactured by a major firearms manufacturer.

**MIL-SPEC:** Refers to military specifications as it relates to materials, quality, size, shape, design of parts, tolerances between parts and their function within the weapon system.

**Specifications**

Any personally owned AR-15 variant rifle to be approved for duty use shall meet the following specifications:

**Caliber:** Caliber shall be .223/5.56 mm.

**Color:** Color shall be MIL SPEC black or green.

**Barrels:** Barrel length of 16 inches with an approved flash hider attached. Barrel length of 14.5 inches will be approved if an approved flash hider is permanently attached and has a combined overall length of 16 inches. Flash hiders may include, but are not limited to, A2, A3, Phantom or any other approved flash hiders. Muzzle breaks shall not be approved.

**Forend:** Any standard or mid length MIL SPEC forend. “T” handles or vertical foregrips are not approved.

**Weapon lights:** Rifles shall have a dedicated weapon light system. Lighting systems shall be a 6 or 9 volt system dedicated to rifle use. All lighting systems are to be inspected and approved by a qualified departmental rifle armorer and must project a minimum of 200 lumens of light. Handgun weapon lights are not approved as rifle weapon lights. Approved systems manufacturers include, but are not limited to, Pentagon or Surefire.

**Upper Receivers:** Upper receivers shall be A2, A3 or A4 configurations. A2 configuration will be dedicated iron sights only. No optics permitted. A3 configuration will have an approved sighting system mounted directly on the receiver. In addition to the sighting system, a backup rear
iron sight must be attached and be visible through the optics. A4 configuration will be the same as A3 configuration and shall include a back up front iron sight.

Optics: Optic sighting systems may include, but are not limited to, EO Tech or Aimpoint.

Lower receivers: All lower receivers shall be in original manufacturer condition and meet MIL SPEC.

Triggers: Triggers shall be either a single or 2 stage trigger with a minimum 4.5 pound trigger pull.

Safety: Ambidextrous safeties are permitted but must be inspected and approved by a qualified departmental rifle armorer.

Magazines: Magazines will generally be of aluminum or steel construction and conform to MIL SPEC. Magazines will be 30 rounds capacity. All other magazines shall be inspected and approved prior to use by a qualified departmental rifle armorer. Magazine accessories such as mag couplers may be approved upon demonstrated proficiency of its use. Taping magazines together is strictly prohibited.

Grips: Pistol grips shall be MIL SPEC or approved by a qualified departmental rifle armorer.

Butt stock: Butt stocks will be of A2 fixed or collapsible design. No magazine accessories or attachments of any similar nature shall be attached to the butt stock.

Slings: Slings shall be of a variety that will allow the shooter to fire the weapon from either shoulder while the rifle is slung. Currently, the sling of choice is the VTAC sling. Any other slings must be inspected and approved by a qualified departmental rifle armorer.

Ammunition: All officers will use departmentally approved and issued ammunition in their personally owned rifles.

Carry options: Police officers personally owned rifles shall be carried in the rack within the patrol car. If the qualified departmental armorer prior to the rifle being approved for duty use. All officers shall have a soft sided case to be used to transport the rifle to and from the station.

Qualification: All officers shall successfully qualify and demonstrate proficiency with their personal rifle prior to initial duty use. Qualification shall be required annually.

Maintenance: All ongoing and periodic maintenance will be the sole responsibility of the officer. All personally owned rifles approved for duty shall be inspected annually by a qualified departmental rifle armorer. Armorer level maintenance shall be performed only by qualified departmental rifle armurers.

Exceptions: Rifles owned and operated by current San Leandro SWAT team members may be afforded exception to this guideline upon approval of a qualified departmental rifle armorer.

Discharge: Officers who discharge their personally owned rifles in the course of their duties shall be subject to the Use of Force policy.
APPLICATION FOR OUTSIDE WORK PERMIT

Except as expressly authorized by the Chief of Police, all members are prohibited from engaging in any other business or occupation, which would, by virtue of its demand upon the member's rest time, hamper his/her ability to respond to and work diligently at his/her primary employment.

Members desiring to engage in outside employment shall complete this application in accordance with departmental procedure. Upon reasonable request, permission to engage in such employment will not be withheld except for good cause.

Intended employer:_______________________________________________________________

Address:_______________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Supervisor/Co. Rep. ____________________________________ Phone:  __________________

Describe in detail the nature of the intended employment, geographic areas affected; days and hours to be worked; starting and finishing times:

______________________________________________________________________________

______________________________________________________________________________

The following rules and regulations shall govern members in their off-duty employment. Any violation of these rules shall be cause for refusal, cancellation, or revocation of an outside work permit.

Should the permit be granted, the employee agrees and understands the following conditions. NO OFFICER OR EMPLOYEE SHALL WORK:

1. In any employment or in any location which will tend to bring the Department into disrepute, or to reduce his/her efficiency or usefulness as an officer or employee of the Department

2. In any employment requiring any affiliation, membership or allegiance tending to influence his/her conduct in a manner inconsistent with the proper discharge of his/her duties as a police officer, or with his/her loyalty to the Department, or the public interest.
3. In police uniform at the performance of tasks other than of a police nature.

4. In any employment requiring the service of civil process, either full or part-time.

5. On any investigations or other type of employment in which an officer or employee may use his/her access to police information, records, files, or correspondence, in the furtherance of such secondary employment.

6. For any other municipality or political subdivision of a county or state, except by the express permission of the Chief of Police.

7. In any employment where the authority of his/her public office or affiliation with this Department is used, either expressly or implied, in the furtherance of such secondary employment.

8. In excess of twenty (20) hours per week.

A police officer, while engaged in off-duty employment, shall at all times take proper action on any offense or condition of which he/she has, or acquires, knowledge and which normally would require police attention.

In consideration of the granting of this off-duty work permit for which this request is made, the member expressly and specifically waives any and all rights which the undersigned may now or hereafter have against the City of San Leandro or the California State Employees Retirement System. This waiver shall apply to, and be in effect only as to disability caused by, or arising out of the employment for which this request is made.

The member further agrees that, in the event the member receives any Workers' Compensation Benefits under the provisions of the Labor Code of the State of California, because of any injury or sickness caused by or arising out of the employment for which this request is made, and because of said injury or sickness, the undersigned applies for sick leave from the City of San Leandro, that any sick leave benefits granted to the member shall be reduced by the amount of Workers' Compensation benefits received because of such injury or sickness.

Submitted by: ______________________________________

Unit Assignment: _________________________________

Date: _________________________________
SAN LEANDRO POLICE DEPARTMENT
APPLICATION FOR OUTSIDE WORK PERMIT

EMPLOYEE: ____________________________________________

REVIEW:

Supervisor: ____________________________________________  Date: ____________

[ ] Approve

[ ] Disapprove

Division Commander: ____________________________________  Date: ____________

[ ] Approve

[ ] Disapprove

Bureau Commander: _____________________________________  Date: ____________

[ ] Approve

[ ] Disapprove

Police Chief: ___________________________________________  Date: ____________

[ ] Approve

[ ] Disapprove

COMMENTS:

__________________________________________________________________________

__________________________________________________________________________

PLEASE NOTE: This permit, if approved, is valid for one year.
### Incident Information

<table>
<thead>
<tr>
<th>Location Type (Check one)</th>
<th>Government/Public Building</th>
<th>Religious Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUBLIC HEALTH FACILITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PRIVATE HEALTH FACILITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMERCIAL/OFFICE BUILDING</td>
<td></td>
<td>SCHOOL/-College</td>
</tr>
<tr>
<td>PARKING LOT/GARAGE</td>
<td></td>
<td>OTHER</td>
</tr>
<tr>
<td>RESIDENCE/HOME/DRIVEWAY</td>
<td></td>
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</table>

### If Weapon Involved, Check Type (Up to 3)

<table>
<thead>
<tr>
<th>Weapon Type</th>
<th>Lethal Weapon</th>
<th>Non-Lethal Weapon</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIREARM (TYPE UNKNOWN)</td>
<td>BLUNT OBJECT (CLUB, HAMMER, ETC.)</td>
<td>DRUGS/NARCOTICS</td>
</tr>
<tr>
<td>HANDGUN</td>
<td>MOTOR VEHICLE (WHEN USED AS A WEAPON)</td>
<td>ASPHYXIATION (BY DROWNING, STRANGULATION, SUFOCATION, GASETC.)</td>
</tr>
<tr>
<td>RIFLE</td>
<td>PERSONAL WEAPONS (I.E., HANDS, FISTS, FEET, ETC.)</td>
<td>UNKNOWN</td>
</tr>
<tr>
<td>SHOTGUN</td>
<td>POISON</td>
<td>OTHER</td>
</tr>
<tr>
<td>OTHER FIREARM (MACHINE GUN, BAZOOKA, ETC.)</td>
<td>EXPLOSIVES</td>
<td></td>
</tr>
<tr>
<td>KNIFE/CUTTING INSTRUMENT (AX, ICE PICK, SCREWDRIVER, SWITCHBLADE, ETC.)</td>
<td>FIRE/INCENDIARY DEVICE</td>
<td></td>
</tr>
</tbody>
</table>

### Victim Information

<table>
<thead>
<tr>
<th>Race*</th>
<th>Sex</th>
<th>Date of Birth</th>
<th>Victim Type*</th>
<th>Victim of: (Refer to Statute List Above)</th>
</tr>
</thead>
<tbody>
<tr>
<td>V1</td>
<td>M</td>
<td>1 2 3 4 5 6 7 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V2</td>
<td>M</td>
<td>1 2 3 4 5 6 7 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V3</td>
<td>M</td>
<td>1 2 3 4 5 6 7 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V4</td>
<td>M</td>
<td>1 2 3 4 5 6 7 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V5</td>
<td>M</td>
<td>1 2 3 4 5 6 7 8</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* See Legend on reverse
### Appendix 2-A

<table>
<thead>
<tr>
<th>PROPERTY TYPE*</th>
<th>TYPE OF LOSS OR DAMAGE</th>
<th>QUANTITY</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>^ NONE ^ BURNED ^ DESTROYED/DAMAGED/VANDALIZED</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>^ STOLEN ^</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PROPERTY DESCRIPTION OR PROPERTY CATEGORY CODE***

---

<table>
<thead>
<tr>
<th>PROPERTY TYPE*</th>
<th>TYPE OF LOSS OR DAMAGE</th>
<th>QUANTITY</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>^ NONE ^ BURNED ^ DESTROYED/DAMAGED/VANDALIZED</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>^ STOLEN ^</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PROPERTY DESCRIPTION OR PROPERTY CATEGORY CODE***

---

**SUSPECT INFORMATION**

<table>
<thead>
<tr>
<th></th>
<th>RACE*</th>
<th>SEX</th>
<th>DATE OF BIRTH OR AGE</th>
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<tr>
<td>S1</td>
<td></td>
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</tr>
<tr>
<td>S2</td>
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<td></td>
<td></td>
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<tr>
<td>S3</td>
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<td></td>
</tr>
<tr>
<td>S4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**RACE/ETHNICITY CODES**

<table>
<thead>
<tr>
<th>A – Other Asian</th>
<th>L – Laotian</th>
</tr>
</thead>
<tbody>
<tr>
<td>B – Black</td>
<td>O – Other</td>
</tr>
<tr>
<td>C – Chinese</td>
<td>P – Pacific Islander</td>
</tr>
<tr>
<td>D – Cambodian</td>
<td>S – Samoan</td>
</tr>
<tr>
<td>F – Filipino</td>
<td>U – Hawaiian</td>
</tr>
<tr>
<td>G – Guamanian</td>
<td>V – Vietnamese</td>
</tr>
<tr>
<td>H – Hispanic</td>
<td>W – White</td>
</tr>
<tr>
<td>I – American Indian</td>
<td>Z – Asian Indian</td>
</tr>
<tr>
<td>J – Japanese</td>
<td>X – Unknown</td>
</tr>
<tr>
<td>K – Korean</td>
<td></td>
</tr>
</tbody>
</table>

**VICTIM TYPE CODES**

<table>
<thead>
<tr>
<th>IC – Individual Client</th>
<th>IE – Individual Employee</th>
<th>IO – Individual Other</th>
</tr>
</thead>
</table>

**PROPERTY TYPE CODES**

|--------------|---------------|---------------------|------------------|---------------------------|

**PROPERTY CATEGORY CODES**

<table>
<thead>
<tr>
<th>1 – Automobiles</th>
<th>9 – Radios/TVs/VCRs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 – Bicycles</td>
<td>10 – Structures–Single Occupancy Dwellings</td>
</tr>
<tr>
<td>3 – Buses</td>
<td>11 – Structures–Other Dwellings</td>
</tr>
<tr>
<td>4 – Clothes/Furs</td>
<td>12 – Structures–Other Commercial/Business</td>
</tr>
<tr>
<td>5 – Computer</td>
<td>13 – Structures–Public/Community</td>
</tr>
<tr>
<td>Hardware/Software</td>
<td>14 – Structures–Other</td>
</tr>
<tr>
<td>6 – Office-type Equipment</td>
<td>15 – Other</td>
</tr>
<tr>
<td>7 – Other Motor Vehicles</td>
<td></td>
</tr>
<tr>
<td>8 – Personal Items Other Than Clothing (Purses/Handbags/Wallets)</td>
<td></td>
</tr>
</tbody>
</table>

*LEGEND*
ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
Data Collection Worksheet (BCIA 8371) Instructions

**Requirement:**
The Data Collection Worksheet (BCIA 8371) should be completed and submitted only if there are ARRCs to report for your agency.

**NOTE:** It is the purpose of this legislation to collect data on any crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant.

**Frequency:**
At the end of the month, enter the total number of ARRCs reported to your agency on the Summary Worksheet (BCIA 8370) and attach a completed Data Collection Worksheet (BCIA 8371) for each ARRC. If there are no ARRCs to report, submit only the Summary Worksheet (BCIA 8370).

Submit these forms by the 10th working day for the preceding month (for example, July data should be submitted by the 10th working day in August).

**Administration:**

**Preparer’s Name**
Enter the name of the person who prepared the form and whom should be contacted regarding questions.

**Telephone Number**
Enter the area code and telephone number of the person to be contacted if questions arise.

**Agency**
Enter the name of your agency.

**NCIC Number**
Enter your agency’s ORI/NCIC number. Agencies should abbreviate the nine-character NCIC code by using the fourth through seventh character of the NCIC code. For example, if your NCIC number is “CA0570100,” report “5701” only.

**Date**
Enter the date prepared.

**Incident Information:**

**Occurrence Date**
Enter the month, day, and year of occurrence.

**Time**
If known, enter the time of occurrence in military 24-hour time.
Appendix 2-B

ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
Data Collection Worksheet (BCIA 8371) Instructions

Crime Case Number
Enter the number assigned by your agency used to identify each report uniquely, e.g., the Originating Agency Case Number.

Total Number of Individual Victims
Enter the total number of individual victims involved in the incident.

Example: The suspect assaulted an employee at a reproductive health services facility. The suspect also broke the window of the reproductive health services facility. Report “1” victim (the employee) in the “Total Number of Individual Victims” box.

Total Number of Property Victims
Enter the total number of property victims involved in the incident.

Example: Referring to the example above, report “1” property victim (the reproductive health services facility) in the “Total Number of Property Victims” box.

Statute (Code Section) Attach additional sheets of paper if needed.
Enter all ARRC offenses involved (up to 10) in the ARRC incident. If there are more than 10 ARRC offenses involved in an incident, enter the 10 most serious offenses. Record each statute code only once even though there may have been more than one victim per offense. Report the exact statute (Penal Code, Health and Safety Code, etc.), section number, and appropriate subsection.

Literal
Enter a short description of the statutory code section.

Level
Enter the level of the code section involved (“M” for misdemeanor or “F” for felony).

Number of Victims/Property
Enter the number of victims for each offense which were perpetrated against him/her during the incident.

<table>
<thead>
<tr>
<th>ARRC Offense(s) Statute (Code Section)</th>
<th>Level (M/F)</th>
<th>Number of Victims/Prop</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 423.2 (A) PC violence/etc: reproductive health client</td>
<td>M</td>
<td>2</td>
</tr>
<tr>
<td>2. 423.2 (E) PC intentionally damage property:repro health svs</td>
<td>M</td>
<td>1</td>
</tr>
<tr>
<td>3. 602.1 (A) PC trespass:obstruct/etc. business operations/etc.</td>
<td>M</td>
<td>1</td>
</tr>
</tbody>
</table>
ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
Data Collection Worksheet (BCIA 8371) Instructions

Location Type
Select a location type to show where the ARRC offense took place. If the location does not fit into one of the categories listed, select “other” and enter the location.

If Weapon Involved
Choose up to three types of weapons/force used by the suspect. If the weapon does not fit into one of the categories listed, select “other” and enter the weapon.

Victim Information: Attach additional sheets of paper if needed.

Race
Enter the victim’s race using the race/ethnicity codes provided in the legend.

Sex
Enter the victim’s sex.

Date of Birth
Enter the victim’s date of birth (mm/dd/yyyy).

Victim Type
Enter the appropriate victim type code:
IC=Individual Client (reproductive health services client)
IE=Individual Employee (reproductive health services employee)
IO=Individual Other (individual not fitting the above specifically listed individuals)

Victim Of
For each victim, select the boxes of the offenses (numbered in the statute code section) which were perpetrated against him/her during the incident.

Property: Attach additional sheets of paper if needed.

Property Type
Enter the appropriate property type code:
B Business
G Government
H Health Facility (includes hospital, physician’s office, abortion clinic, family planning clinic, etc.)
OE Other Entity (represents acts directed at entities which do not fit in any of the other categories)
R Religious Organization (or building associated with a specific religious group)

Type of Loss or Damage
Select the type of loss or damage to the property. For each type of loss or damage, up to ten property descriptions or property categories (see legend) can be reported.
ANTTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
Data Collection Worksheet (BCIA 8371) Instructions

**Quantity**
Report how many properties were burned, stolen, destroyed, etc., as a result of the incident.

**Value**
Report the dollar value of the property which was burned, stolen, destroyed, etc., as a result of the incident. Up to ten values can be entered to match the up to ten property descriptions. If more than ten types of property are involved, the values of the nine most valuable properties are to be reported; then, the total value of the remaining properties which were coded “other” are to be combined and reported as one total.

**Property Description or Property Category Code**
For each type of property loss, up to ten property descriptions or property category codes (see legend) can be reported. If more than ten types of property are involved, the nine most valuable specifically listed types of property are to be reported and the remaining types of property are to be combined and reported as “other.”

**Suspect Information:** Attach additional sheets of paper if needed.

**Race**
Enter the suspect’s race using the race/ethnicity codes given in the legend. If the suspect information is unknown, enter “X” (unknown).

**Sex**
Enter the suspect’s sex. If the suspect information is unknown, select “unknown.”

**Date of Birth or Age**
Enter the suspect’s date of birth or approximate age. If unknown, leave blank.
AP-1540 Reporting Work-Related Injury.pdf
I. APPLICABLE TO

All employees who are in a supervisory or management position.

II. PURPOSE

To provide guidance to supervisors and managers whose employees have on-the-job injuries or job-related illnesses.

III. GUIDELINES

Within one working day of receiving notice or knowledge of an employee’s injury or illness which results in lost time beyond the date of injury/illness or which results in medical treatment beyond first aid, supervisors or managers must provide, personally or by first-class mail, a claim form (Attachment A, DWC-1 form) and a notice of potential eligibility for benefits to the injured employee (Attachment B, Facts for Injured Workers). Even if the employee does not report to you, the 24-hour requirement begins as soon as any manager or supervisor becomes aware of an employee’s work-related injury/illness.

When in doubt, a supervisor shall complete the employer’s portion of the DWC-1, date it, make a copy for his/her records, and provide it to the injured worker. If the employee chooses not to complete it or seek medical attention, but later decides to seek medical attention, the copy will provide important documentation of compliance with legal requirements.

A. If an employee is injured on the job, appropriate medical care should be secured immediately, if needed: If the incident occurs on a weekend or evening, or constitutes a serious emergency, treatment should be secured from San Leandro Hospital or the nearest emergency treatment center.

B. For non-emergencies (Monday through Friday, 7:00am to 6:00pm), upon receipt of the employee’s completed DWC-1 form, supervisors/managers are to authorize treatment at the City’s designated medical provider, Concentra Medical Center, 2587 Merced Street, San Leandro, by phoning (510) 351-3553.

Employees who filed a Designated Physician Form (Attachment C) with Human Resources on or after July 12, 2004—naming a personal physician who has agreed in writing to treat workers’ compensation injuries may be treated by the physician (MD or
OD) designated on that form. Chiropractors and acupuncturists may no longer be designated for new injuries which occurred on or after July 12, 2004. **Note:** The Designated Physician Form, kept on file with Human Resources for industrial incidents, is not the same as the goldenrod Employee and/or Emergency Information Form, which pertains to non-industrial emergencies only.

An employee who has been treated by a health care professional for any work-related incident shall not be returned to duty except upon release to full or modified duty by the treating health care professional. A release to modified duty shall specify the duration of and any work restrictions, and shall be provided by the employee to his/her supervisor immediately following the medical appointment.

If an employee is released by his/her physician to modified duty, the supervisor shall contact the Senior Human Resources Analyst in Workers Compensation and Benefits to determine whether or not modified work is available, imposes an undue hardship on the City, exceeds or violates the doctor's restrictions. This work may be within the employee's assigned department. Modified duty need not be provided for part-time employees unless it is readily available.

**IV. PROCEDURE**

A. **Employee:** Immediately notifies the supervisor of any injury or illness occurring in the performance of, or arising out of, the job. If injury requires on-site first aid only, logs injury in accordance with departmental procedures. If medical care is required, completes Attachment A, *DWC-1 form* and returns it to supervisor.

B. **Supervisor:** Ensures that injury is logged in accordance with departmental procedures. If medical care is required, secures initial treatment as outlined above. Provides employee with the pamphlet, *Facts for Injured Workers* (Attachment B) and *Employee’s Claim for Workers’ Compensation Benefits* (Form DWC-1). Additionally, if the employee is treated by a facility other than Concentra, the supervisor provides the employee with a *Modified Duty/Return to Work Form* (Attachment D) to be given to the care provider for completion.

Within 24 hours of the incident, or of a supervisor's knowledge of the incident, or knowledge that a logged “first aid” incident requires medical care, the employee will complete the *On-The-Job Injury, Illness or Exposure Investigation Form* (Employee's Report Attachment E, side 1); the employee's supervisor shall complete the *On-The-Job Injury, Illness or Exposure Investigation Form* (Supervisor's Report Attachment E, side 2) and form 5020, *Employer's Report of Occupational Injury or Illness* (Attachment F). Supervisors are required to track the employee's medical visits beyond one visit on the *Injuries Log* (Attachment G). The 5020 form is forwarded to the Human Resources Department along with the completed *Form DWC-1, Supervisor’s Report*, and any other
related documentation.

Human Resources: Staff finalizes the above forms and forwards copies to the City's third-party administrator for Workers' Compensation, Gregory B. Bragg and Associates (Bragg). Bragg staff will coordinate subsequent medical treatment and benefits, keeping the City informed of the employee's status.

Human Resources will work closely with managers and supervisors to monitor leaves, establish modified duty assignments, and ensure compliance with state regulations and other legal requirements.
IIPP.pdf
I. APPLICABLE TO:

All employees.

II. PURPOSE:

The City of San Leandro is committed to employee safety in the workplace and in furtherance of this commitment has adopted the Injury and Illness Prevention Program (IIPP). The objective is to provide a safety and health program which reduces the number of injuries and illnesses to an absolute minimum, not merely in keeping with, but surpassing, the best experience of operations similar to ours. Our goal is zero accidents and injuries. Nothing in this procedure is intended to impact standard operating procedures in the Police Department which by their very nature may include high-risk situations.

III. RESPONSIBILITIES:

A. General Statement

The persons with the authority and responsibility for implementing the Program are the City Manager and the Safety Coordinators identified in this document. Additionally, responsibility for safety and health is shared by the following entities:

- **The City of San Leandro** accepts responsibility for leadership of the safety and health program and for providing safeguards required to ensure safe conditions.

- **Supervisors** are responsible for developing proper attitudes toward safety and health in themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.

- **Employees** are responsible for the operation of all aspects of the safety and health program—understanding and complying with all departmental *Code of Safe Practices* (COSP), rules and City of San Leandro policies, regulations and procedures. Employees must continuously practice safety while performing their duties.
B. Safety Committee

The City Manager has the responsibility and authority to implement and maintain the IIPP. The Human Resources Director or his/her designee and IIPP Coordinator, as delegated by the City Manager, oversees the operations of the Safety Coordinators. The Safety Coordinators have the general authority and responsibility to supervise all aspects of the IIPP and other safety-related matters, utilizing the necessary resources to ensure hazards are abated in a timely manner. The safety coordinators and their areas of responsibility are shown in Appendix 3.

1. Ongoing Responsibilities

Along with implementing the program, the safety coordinators will, at a minimum, be responsible for the following:
   a. Periodic inspections (Section VII)
   b. Injury and illness investigations and medical attention (Section VIII)
   c. Record keeping (Section IX)
   d. Communications (Section XI)
   e. Employee training (Section XII)
   f. Safety enforcement and recognition (Section XIII)
      1) To maintain good housekeeping standards and cleanliness in their departments.
      2) To monitor and enforce safe working conditions and practices.
      3) To ensure that there is always a person on site with the authority to assume the responsibilities and duties of the safety coordinator in his/her absence.
      4) To evaluate new or modified equipment, machinery or tasks for hazards, using the Job Safety Analysis Form in Appendix 1E.
      5) To ensure the COSPs are consistent with current jobs, tasks and hazards.

2. Safety Committee Charter

The purpose of The City of San Leandro’s Safety Committee is to help ensure a safe and healthful workplace and compliance with federal, state and local safety regulations (per CCR, 8 3203, (c) et. al.) through a review of safety inspections to help identify and correct hazards, a review of injury and illness investigations to evaluate cause of injury and corrective action to prevent recurrence, the development of communication between employees and management, and the schedule for and review of employee safety training.

In accomplishing the above purpose, the committee shall provide advice and input to individual departments on safety matters, ensure that all employees are provided with a safe and healthy workplace, identify and
discontinue unsafe practices and/or use of unsafe equipment, schedule required safety training, recommend corrective actions to address safety hazards and serve as the communications conduit between employees and management on safety concerns.

Success of the program will be determined by compliance with safety regulations and receipt of no OSHA citations, the provision of regularly scheduled employee safety training, fewer accidents and injuries, establishment of required safety programs and improved feedback regarding employees' sense of safety and well-being.

The products of the Safety Committee process shall be the development of written safety programs in compliance with Title 8, California Code of Regulations, provision of adequate safety training and record keeping, production of periodic inspection reports and responses to employee safety concerns and/or suggestions.

The committee shall strive for consensus. However, a majority vote by safety coordinators present shall be required to pass on recommendations or take action. Agenda and minutes of meetings shall be distributed to members and posted at employee worksites. The committee will utilize internal and external communication tools to disseminate major actions.

Success of the program shall be determined by annual review by the Safety Committee and management on committee effectiveness.

IV. HAZARD EVALUATION

Evaluating hazards is an essential part of hazard control. It is important to identify all equipment and practices during the course of all job classifications and their duties.

A variety of forms (Attachments 1A-F) may be utilized for identifying and evaluating work place hazards including the Job Safety Analysis Form (Appendix 1E). These tools aid safety coordinators in the "site specific" identification, evaluation, and further Code of Safe Practices development.

Refer to the material safety data sheets (MSDSs) found in the Hazard Communication Program for issues relating to chemicals on site, if applicable, for proper handling, storage, protective equipment, etc.

Hazard evaluations may be conducted using the Job Safety Analysis Form (Appendix 1E). Further instruction on how to use it is given in the sample.

A. Hazards need to be identified and evaluated:
1. When Safety Orders of the California Code or Regulations that govern the operation or activity (e.g., General Industrial Safety Orders, Construction Safety Orders, Telecommunication Safety Orders, Elevator Safety Orders etc.) are revised.
2. During the accident investigation process.
3. When established, based on an initial hazard evaluation.
4. When revealed during a routine inspection.
5. Whenever new substances, process, procedures or equipment are introduced to the work place that represent a new safety hazard.
6. Whenever City of San Leandro is made aware of a new or previously unrecognized hazard.
7. When employee safety suggestions are made regarding a hazard.

B. The Code of Safe Practices must be reviewed and updated as new hazards are identified. When the Code of Safe Practices is updated, workers must be trained and/or alerted by the safety coordinators to the new hazard and the new proper safe practice(s) being implemented. When the Code of Safe Practices is updated, the Periodic Inspection Checklist may also need to be updated so the safety coordinators can periodically inspect any new potential hazard(s).

V. JOB SAFETY CLASSIFICATIONS

Under the California Code of Regulations, Title 8, Chapter 4, employees are protected under either the General Industrial Safety Orders (GISO), Subchapter 7, or the Construction Safety Orders (CSO), Subchapter 4, depending on the type of work being performed. When employment exists in connection with the construction, alteration, painting, repairing, construction maintenance, renovation, removal, or demolition of any fixed structure or its parts, that work will be considered construction, and will be regulated by the CSO. Based on this definition, shops and departments will be considered as listed below:

General Industry Safety Orders:
- Office & Administrative
- Automotive Mechanics/Equipment
- Engineering & Transportation
- Custodial Services
- Library
- Police
- Landscaping
- Environmental/Recycling
- WPCP
- Wood & metal fabrication shops

Construction Safety Orders:
- Facilities
- Streets
- Signals & Lighting
Because of the diverse nature of their assignments, many Public Works personnel could be governed by either set of orders depending on the task.

Where this distinction is significant, notice shall be made in this and all subordinate programs, practices and documents.

VI. CODE OF SAFE PRACTICES AND RELEVANT SAFETY WORK RULES

All hazards are identified and evaluated by using the General Industry Safety Orders, the Construction Safety Orders or other pertinent regulations, employee input and available published statistics. The Code of Safe Practices includes all the proper preventive measures to work in the environment safely.

Although under California Code of Regulations, the term “Code of Safety Practices” pertains only to Construction Safety Orders, for the purposes of the City of San Leandro’s IIPP, it will refer to safe work rules used for both construction and general work.

Employees are to receive specific instruction by their supervisor with respect to hazards specific to each employee’s job assignment, as found in the Code of Safe Practices.

Other safe work rules may be found in the following documents:

- Operational Directives
- Administrative Code
- Personnel Procedures Manual
- New Employee Orientation Safety Handbook
- Memoranda of Understanding
- Employer/Employee Relations Resolution
- Personnel Rules

VII. PERIODIC INSPECTIONS

Periodic inspections are designed to ensure that the Code of Safe Practices is being followed and to help identify new or previously unrecognized hazards.

Periodic inspections are to be conducted at the following frequency:

- Annually: City Hall, Library and all office areas
- Semi-Annually: Police, Recreation, Water Pollution Control Plant and Public Works Corporation Yard

Hazards identified during inspections shall be corrected in a timely manner based on the severity of the risk. If a serious hazard cannot be immediately abated without endangering workers and/or property, the City of San Leandro will remove all exposed workers from the area except those necessary to correct the existing condition. Workers necessary to correct the hazardous condition shall be provided
with the necessary protection. If there is a piece of equipment or a procedure that is immediately dangerous to life and health, correct the condition immediately. If the condition cannot be corrected immediately, the hazardous equipment should be locked and/or tagged out of service (or procedure discontinued). If there are any non-complying personnel, the employee is to be told immediately of the violation, informed of the correct procedure, asked to comply and correct actions, and reminded of the City of San Leandro disciplinary policy.

Inspection documentation must include: the inspector(s) name, date of inspection, location of inspection, hazards found and risk assessment code.

When a problem area is identified, all personnel exposed to the hazard are to be warned of the hazard. When the problem is fixed, the inspection form should be signed and dated by the person responsible for the work.

NOTE: AS A GENERAL RULE, ALL PERSONNEL WILL BE RESPONSIBLE FOR CONTINUOUS, ONGOING INSPECTION OF THE WORKPLACE AND THE IMMEDIATE REPORTING OF HAZARDS.

Risk Assessment Code

The Risk Assessment Code is determined as follows:

Class 1 - Critical (may cause death, serious injury, significant environmental impact, or substantial financial losses) and/or is likely to occur soon.

Class 2 - Serious (may cause injury, occupational illness, or environmental or property damage) and/or probably will occur in time.

Class 3 - Minor (probably would not significantly affect personnel or environmental safety or health, but is a violation of specific criteria).

VIII. INJURY AND ILLNESS INVESTIGATIONS

A. Investigations of Occupational Injury or Illness and Corrective Actions

1. Accident, Injury and Illness Investigation Form
   Once an occupational illness, accident, or injury occurs, a report must be completed by the responsible supervisor immediately. The supervisor will evaluate the cause of the injury and what actions need to be taken to protect other employees. All actions will be documented on the Accident, Injury & Illness Investigation Form and will include identified hazard(s), who will be assigned to correct the hazard(s), and the date of completion. The correction protocol that is used may include one or more of the following: engineering control, Personal Protective Equipment (PPE), administrative control, new safety rule, employee training.
Police Department reports will be made in the manner outlined in the Operations Directives, for automobile accidents, non-vehicular accidents and injuries, and blood borne pathogen exposure.

2. **Employee Claim for Workers’ Compensation Benefits**
   Any representative of the employer must provide this form to the employee within 24 hours of learning of the injury or illness. Fill out Employee Claim Form, (DWC Form 1) bottom portion, give the form to the employee and retain a copy in a file as evidence of submission.

3. **Employer’s Report Of Occupational Injury or Illness, Form 5020:**
   The employer must fill out and complete the Employer’s First Report when an employee suffers an occupational injury or illness if:
   a. The occupational injury or illness results in a lost time, defined as absence from work for a full day or shift as a result of the injury or illness.
   b. The occupational illness or injury requires medical attention beyond first aid. First aid is defined as:
      1) Using a nonprescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);
      2) Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
      3) Cleaning, flushing or soaking wounds on the surface of the skin;
      4) Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc. are considered medical treatment);
      5) Using hot or cold therapy;
      6) Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);
      7) Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, backboards, etc.);
      8) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
9) Using eye patches;

10) Removing foreign bodies from the eye using only irrigation or a cotton swab;

11) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;

12) Using finger guards;

13) Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or

14) Drinking fluids for relief of heat stress.

Doctor’s First Report Form:
If the employee goes to the doctor, Human Resources or Third Party Administrator will obtain a Doctor’s First Report Form from the doctor for the file.

4. OSHA Log 300:

- **ALL SERIOUS INJURIES MUST BE REPORTED TO CAL/OSHA IMMEDIATELY BUT NO LONGER THAN 8 HOURS AFTER THE INJURY.**

  - During normal business hours, the supervisor shall contact the Director of Human Resources or in his/her absence, the Senior Human Resources Analyst supervising the benefits and workers’ compensation function. If contact is not able to be made with a live person, then the Supervisor shall leave a message for the above-mentioned managers with the Human Resources Assistant and contact Cal/OSHA directly.

- This notification will be made to the Cal/OSHA Enforcement District Office in Oakland at:

  (510) 622-2916

5. Definition of Serious Injury:
A serious injury is defined as an injury or illness which requires hospitalization for more than 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, or an accident on a public street or highway. Immediate is defined as: as soon as a call can possibly be made without interfering with medical treatment or emergency response activities.

A. When making notification of a serious injury or death, be prepared to provide:
1) your name,
2) a telephone number at which you can be reached for follow-up questions,
3) the name of the injured employee,
4) the nature of the injury to the best of your knowledge,
5) where the employee is being hospitalized,
6) a telephone number for the hospital, if the employee's family or other important person(s) have been contacted what, to the best of your knowledge, happened,
7) where did the injury occur (site or location),
8) when did the incident happen,
9) the names of any other parties involved with the injury, as well as the names of witnesses, any other information you consider to be important.

B. In the event of a serious injury or fatality, an inspection by Cal/OSHA should be expected. The following is a list of suggested questions from the Cal/OSHA Policy & Procedure C-170. Managers and Safety Coordinators should be prepared to answer:
1) How long has the employee been employed by the employer?
2) What was the employee doing at the time of the accident?
3) Was the employee assigned to do the job (s) he was doing at the time of the accident, and who did the assigning?
4) Who was the employee's immediate supervisor, or other supervisor, for the job the employee was doing at the time of the accident?
5) Was the employee trained for the specific job and the hazards of that job? Who provided the training? Is there documentation of the training?
6) Were there any written procedures for the job that was being performed and was the employee following those procedures?
7) Was the employee working alone? If not, who were the other employees and at the time of the accident?
8) Was the proper equipment, including personal protective equipment, being used for the job?
9) Is the process, operation or job new to the worksite?
10) Was the injured employee being supervised? What was the proximity and adequacy of supervision?
11) Did the employee receive hazard recognition training prior to the accident?
12) What was the location of the accident? What was the physical condition of the area where the accident occurred?
13) Were there immediate or temporary action(s) that could have prevented the accident or minimized its effect?
14) Were there long-term or permanent action(s) that could have prevented the accident or minimized its effect?
15) Had corrective action been recommended in the past, but no corrective action been taken?

C. The following documents may be requested by the Cal/OSHA investigator; Managers and Safety Coordinators should be prepared to present them:

1) Injury and Illness Prevention Program;
2) Records that establish management policies governing the activity involved in the accident, e.g., Code of Safe Work Practices;
3) Condition reports, hazard reports and analysis records that reflect decisions regarding the accident environment;
4) Facility specifications and descriptions that construct the work environment;
5) Purchasing specifications and directives that reflect decisions regarding equipment and work materials;
6) Equipment installation, repair, maintenance and critical parts inspection records that reflect priorities and control of work; Equipment manufacturers' and company's operator manuals, work instructions, operator training criteria and skill certification requirements that reflect program standards;
7) Employee selection, placement, and training records that relate to operators, repair and maintenance workers and supervisors;
8) Work records that relate to the job and individual employee with respect to task assignment, classification, hazard exposure or health exposure; and Employer's Report of Injuries and Illnesses (5020) for accident and any other identified injuries or illnesses of interest.

NOTE: This list is not exhaustive and is intended to provide guidance as to the types of documents and records that may be relevant to the investigation. The guiding principle for compliance personnel is to collect all records relating to the accident until knowledge of factors or examination of individual records determines that certain records are not relevant to the accident investigation.

IX. RECORD KEEPING

Each Safety Coordinator is responsible for keeping records for their Department or Division, and will send a copy to Human Resources. Records will include:

A. Periodic inspections identifying unsafe work practices and conditions including:
1) The name of the person(s) conducting the inspection.
2) Date & location(s) of inspection.
3) The unsafe condition or work practice(s) identified.
4) The action taken to correct the unsafe condition or practice.
5) Copies to the appropriate persons and files.
6) The assigned risk assessment code number.
B. Documented safety and health training including:
   1) Employee name.
   2) Training dates.
   3) Type(s) of training.
   4) Name(s) of trainer(s).

C. Documented accident, injury and illness investigations including the completed form(s).

D. Safety Suggestion Forms and the documented responses.

E. Copies of all required workers' compensation forms (Employer's First and Employee Claim Forms).

F. Safety Committee meeting minutes.

G. Tailgate Safety meeting records (Appendix 1F). These records are required for Corporation Yard and Water Treatment areas only.
X. RECORDS RETENTION (Revised 1/14/05)

The legally mandated minimum records retention durations are given below. It is often advisable to keep records longer than for the minimum; specific City records retention policies will supersede these minima.

<table>
<thead>
<tr>
<th>Record</th>
<th>Minimum Retention (yrs)</th>
<th>Code Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workplace inspections</td>
<td>1</td>
<td>8CCR3203(b)(1)</td>
</tr>
<tr>
<td>Training records (See below for exceptions)</td>
<td>1</td>
<td>8CCR3203(b)(2)</td>
</tr>
<tr>
<td>Safety committee meeting records</td>
<td>1</td>
<td>8CCR3203(c)(2)</td>
</tr>
<tr>
<td>Accident investigation records</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>OSHA300, 300A, 301</td>
<td>5</td>
<td>8CCR14300.33</td>
</tr>
<tr>
<td>Employee medical records</td>
<td>Termination of employment + 30 yrs</td>
<td>8CCR3204(d)(1)(A)</td>
</tr>
<tr>
<td>Employee exposure records (Includes all workplace monitoring data, MSDSs, Chemical inventories)</td>
<td>“At least” 30 yrs</td>
<td>8CCR3204(d)(1)(B)</td>
</tr>
<tr>
<td>Blood Borne Pathogens training</td>
<td>3</td>
<td>8CCR5193(h)(2)(B)</td>
</tr>
<tr>
<td>Sharps injury log</td>
<td>5</td>
<td>8CCR5193(h)(3)</td>
</tr>
<tr>
<td>Hazwaste manifest receipts</td>
<td>3</td>
<td>HSC25160.2(b)(3)&amp;(4)</td>
</tr>
<tr>
<td>Asbestos training records</td>
<td>Termination of employment + 1 year</td>
<td>8CCR1529(n)(4)</td>
</tr>
<tr>
<td>Notification of identification, location and quantity of asbestos</td>
<td>Duration of ownership of building; must be transferred to new owner</td>
<td>8CCR1529(n)(6)</td>
</tr>
<tr>
<td>Noise exposure measurements</td>
<td>2</td>
<td>8CCR5100(d)(1)</td>
</tr>
<tr>
<td>Audiometric test records</td>
<td>Duration of employment</td>
<td>8CCR5100(d)(2)</td>
</tr>
<tr>
<td>Maintenance of fire extinguishing systems</td>
<td>5</td>
<td>19CCR904.1(b)</td>
</tr>
<tr>
<td>Fire Alarm systems acceptance tests &amp; as-builts</td>
<td>Life of system</td>
<td>NFPA 72, 7-5.1</td>
</tr>
<tr>
<td>Fire Alarm systems annual maintenance, inspection &amp; testing</td>
<td>1 year past next test (e.g., 2 years)</td>
<td>NFPA 72, 7-5.2.1</td>
</tr>
<tr>
<td>Fire Sprinkler Maintenance &amp; Service Reports</td>
<td>5 yrs</td>
<td>19 CCR 904.1 &amp; 904.2</td>
</tr>
<tr>
<td>Fire Sprinkler Maintenance &amp; Service Reports</td>
<td>1 year past next test (e.g., 2 years)</td>
<td>NFPA 25, 4.3.5</td>
</tr>
<tr>
<td>Reports of testing on mechanical ventilation systems such as fume hoods</td>
<td>5 yrs</td>
<td>8 CCR 5143</td>
</tr>
<tr>
<td>Reports of testing on HVAC systems for building ventilation</td>
<td>5 yrs</td>
<td>8 CCR 5142(b)(2)</td>
</tr>
</tbody>
</table>
XI. COMMUNICATION

Communication is an important part of the program. City of San Leandro believes the best way to maintain the safety "mind set" is through the following means:

A. Bulletin board for written communication, relevant safety topics, Safety Committee meeting minutes, and posted temporary hazards.

B. Since the employee is often in a better position to spot potential hazards in the work areas, there are suggestion boxes and forms, near the bulletin boards, at the following locations: Public Works Corporation Yard, WPCP, City Hall, Main Library. Employee input with regard to safety is encouraged. All suggestions will be reviewed at the Safety Committee Meeting with a response given in a timely manner to the person making the suggestion.

C. Bulletin Boards are found at the following locations:
   1. Public Works Corporation Yard, Water Pollution Control Plant, City Hall, Marina Community Center, Main Library, Police Department

D. Safety posters and signs will be posted in areas of concern to help remind employees of certain hazards and to protect themselves.

E. General safety meetings will be scheduled as needed to review changes in the program and receive employee input.

F. A standing Safety Committee.

G. For those areas identified as being covered by the Construction Safety Orders, the supervisor shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crews at least every 10 working days to emphasize safety.

Standard sign-in sheets for tailgate meetings (Appendix 1F), and safety suggestion forms (Appendix 1A) are found in Appendix 1 of this IIPP.

XII. TRAINING

A. Training is an important part of this program. It is critical that everyone understand their workplace hazards and are trained by their respective safety coordinator in: The Code of Safe Practices; accident reporting; communication; the City of San Leandro safety policies, including recognition and disciplinary policies.

1. Supervisors and/or Safety Coordinators shall receive training to familiarize them with the health and safety hazards to which employees under their immediate direction and control may be exposed.

2. A Training Matrix has been developed as a tool to help identify the hazards associated with each job classification, and employee training required for it.

3. Supervisors and/or Safety Coordinators are responsible for ensuring that those under their direction receive training on general workplace safety as well as on health and safety issues specific to their job.
B. Training is provided:
   1. To all employees and those given new job assignments for which training
      has not yet been received.
   2. Whenever new substances, processes, procedures or equipment are
      introduced to the workplace that represent a new hazard.
   3. Whenever the employer is made aware of a new or previously unrecognized
      hazard.

The Training Log for all employees (Appendix 1B) is to be filled out completely,
upon the completion of any training. All training logs should be forwarded to
Human Resources.

XIII. DISCIPLINARY PROCEDURES

Employees who fail to comply with the City of San Leandro safety rules may be
subject to disciplinary action, up to and including termination depending on the
circumstances and the safety issues involved. Management will follow the
disciplinary action procedures as identified in the City’s policy and procedure
manuals.

For those employees in a collective bargaining unit, specific procedures for
discipline may also be contained in their respective Memorandum of
Understanding (MOU).

Recognition Procedures

The safety committee, as a standing agenda item, will forward to the Recognition
Committee the names of employees and Departments making positive contributions to
the safety of others.
I. APPLICABLE TO

All administrators of and content providers to social media applications managed or sponsored by the City, including City employees, contractors, consultants, volunteers, and users with the exception of certain law enforcement personnel for public safety purposes as determined by the Chief of Police, including but not limited to criminal investigations. This policy applies to City Councilmembers to the extent that Councilmembers use social media applications managed or sponsored by the City. This procedure does not apply to any of the above named individuals’ use of social media applications for personal use or campaigns for elected office.

II. PURPOSE

A. To provide guidance to City employees, volunteers, consultants, and contractors ("Users") on the City’s use of social media applications to promote the City, market City services and programs, and enhance the public’s knowledge and use of City services. All employees, volunteers, consultants, contractors, and other authorized non-employees administering or managing social media applications on behalf of the City must adhere to this Administrative Procedure (which shall also be known as the “Guidelines”) as well as all other applicable Administrative Procedures.

III. DEFINITIONS

Social Media refers to a communications medium that facilitates interaction and content creation through technology, either through software or other technological applications. Social media allows users to generate, organize, share, edit, comment and communicate to other users through open or shared networks on static and mobile computing and communications devices.

Users should be aware that all information posted to social media applications administered or managed by the City is public information, and is subject to disclosure under the California Public Records Act.
IV. GUIDELINES

A. Use of City Electronic Communication Systems to post information or access social media applications, sites, or pages are subject to all applicable policies of the City regarding use of City computers, including Administrative Procedure AP-1010, Guideline for Employee Use of the Internet & Electronic Communication.

B. Only the City Manager, Assistant City Manager, Department Heads, employees and authorized non-employees, with prior authorization from a Department Head, are permitted to post or generate content on social media applications, sites, or pages managed or sponsored by the City of San Leandro.

C. Any and all information posted on social media applications created on behalf of or by the City and/or a City Department must:

1. Directly pertain to the City of San Leandro, or to the particular City Department’s operations or functions;

2. Contain information that is freely available to the public and that is not made confidential by any policy of the City, or by local, state, or federal law;

3. Comply with all applicable federal, state and local laws, rules and regulations. This includes copyright laws, records retention laws, California Civil Code section 3344, the Freedom of Information Act, the California Public Records Act, privacy laws, and employment laws;

4. Be factual;

5. Not include photographs or images of a featured minor without a verbal or written release from the minor’s parent or legal guardian;

6. Be managed so that language is not posted that is prohibited political activity, that is otherwise illegal, or that violates any other Federal, State, or City policy, code, regulation, or procedure;

7. Not include comments referring to political campaigns, ballot measures, or other political issues unless authorized by the City Manager or his/her designee, and when so authorized, such comments shall be unbiased, factual, and for informational purposes only;

8. Be managed so that postings, comments, or statements on social media applications that announce functions or events sponsored, endorsed by, or conducted by the City, another local public agency, the State, the United States government, or any other public safety agency are permitted. Such postings should be professional and edited to be typographically and grammatically accurate.

Rev. 7/15/14
D. Specific consideration shall be given to social networking applications, websites, or channels that permit and invite responsive posts, comments or messages by the public. Such interactive postings can benefit the City in that they provide a way for residents and other interested persons to express opinions or suggestions, and provide information or feedback on City programs, services, and events. It is important to note that responsive posts may contain links, pictures, and videos that must be reviewed to confirm compliance with this administrative procedure.

E. City managed or sponsored social media applications, websites, or channels that allow responsive posting of comments or messages by residents, the public, or other interested persons or entities shall do so according to the following:

1. The Department Head, or the employee authorized by the Department Head as responsible for monitoring any persons’ including members of the public’s, responsive posts, comments, or messages to content generated by the City, must make a good faith attempt to post this Administrative Procedure so that it appears upon, within, or links directly to this Administrative Procedure, whether through a link to the City’s website or the City’s social media application’s main page(this Administrative Procedure may, for example, be posted on the “About” tab of a Department’s Facebook page).

2. Each Department must publish, whether directly to the social media application or on the City’s website that links to the social media application, the following: (a) The purpose of the Department’s use of the social media application or website (by, for example, stating the Department’s purpose on the “About” tab of the Department’s Facebook page); (b) if responsive posting, comments or messages are allowed by members of the public, then an invitation for such posts, comments, and messages germane to the purpose of the Department’s application or website; and (c) a description of the kinds of posts, comments, images, videos, or messages that are objectionable. Please refer to Section IV.F below.

3. The responsible employee monitoring posts, comments, images, videos or messages to content generated or posted by the City shall at all times use his/her best judgment in deciding whether or not to respond to responsive posts, comments, or messages. Engaging with any person that comments in an argumentative or offensive manner should be avoided.

4. The social media application or page must provide a mechanism for the employee to remove comments, posts, images, videos or messages that violate this administrative procedure.

5. The responsible employee must review the Department’s social media application or page not less than once each workday to ensure compliance with these Guidelines. Work done in connection with the social media application or
page during non-work hours must be preapproved by the employee’s Department Head. If a Department is unable to review a social media application or page at least once each workday, then the ability for comments or messages to post to the application or page should be disabled.

F. Social media content, comments and messages containing any of the following will be removed:

1. Comments, posts, messages, images, or video not related to the purpose of the Department’s use of the social media application or page, including hyperlinks to material that are not related to the discussion posted by the Department or the Department’s purpose;

2. Profane language or content;

3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, color, national origin, gender, gender identification, sexual orientation, marital status, age, or physical or mental disability, or any other protected status;

4. Personal attacks, insults, fighting words, language that exhibits bullying behavior, or language that threatens physical, emotional, or mental harm;

5. Sexual, obscene, or lewd content, links to sexual content, or any content that would violate the City’s Harassment Policy¹;

6. Commercial solicitations, promotions, requests for product or service endorsements, or spam;

7. Conduct or encouragement of illegal activity;

8. Content that violates a legal ownership interest of any other party;

9. Information that may compromise public safety or health;

¹ In reviewing such content, staff should consider the following, also known as the “Miller Test,” as provided by the United States Supreme Court in Miller v. California (1973), 413 U.S. 15: a) Whether the average person, applying contemporary community standards (not national standards, as some prior tests required), would find that the work, taken as a whole, appeals to the prurient interest;

b) Whether the work depicts or describes, in a patently offensive way, sexual conduct or excretory functions specifically defined by applicable state law;

c) Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
10. Content that violates Federal or State laws or regulations, or the City's Municipal Codes;

11. Content that does not clearly provide, or is deliberately deceptive as to what person or which organization is the author or origin of the comment or responsive posting.

V. PROCEDURE

A. If a Department wishes to use a social media application or create a social media page, the Department Head must obtain City Manager approval.

B. City use of any social media site and the content generated thereon are subject to the California Public Records Act. Content posted on City managed social media applications or pages are public records. Content shall be retained according to the user agreement of the social media site. If there is no provision for records retention in the user agreement, then the City’s records retention policy for regular correspondence applies.

C. Where possible, social media applications or pages should link back to the official City of San Leandro website. The official City of San Leandro website will be the City’s primary web presence.
AP 1010 Guidelines for Employee Use of the Internet and Electronic Communication.pdf
I. APPLICABLE TO

All City employees, contract workers and volunteers.

II. PURPOSE

To provide guidance to City employees (Users) in the use of the City’s Electronic Communications Systems (including the E-Mail system) and use of the Internet and related services for work purposes in the performance of their job duties and responsibilities.

III. DEFINITIONS

A. Electronic Communication means any kind of communication created by, retrieved by, sent to, or stored by any User using any Electronic Communications system, including all information, data and attachments to the communication.

B. Electronic Communications System means the system of City-owned devices (including hardware, software, Cloud Computing services, and other equipment) used by the City for the purpose of facilitating the transmission or storage of electronic information such as Internet communications, the electronic mail (E-Mail) system (including Inbox, Sent Items, Calendar, Notes and Tasks), voice mail system, including instant messaging, teleconferencing and videoconferencing, telephones, smart phones, pagers, radios, computers, personal digital assistants (PDAs), other wireless E-Mail devices, and all peripheral devices such as hard drives, disks, flash drives, tapes, film, DVDs and CDs.

C. E-Mail means any electronic text, visual or audible communication to or from any User using the E-Mail system, including all information, data and attachments to the communication.

D. Internet means the interconnected system of networks that connects computers around the world via the TCP/IP protocol.

E. Records Management Program Policy means the City’s Records Retention and Disposition Policy.
F. User means all City employees, contract workers and volunteers.

G. City Web Access means the access of the City’s E-Mail system, Internet service, network, or Cloud Computing service from any location other than the User’s assigned desktop or laptop installed at City facilities.

H. Social Media means activities that integrate technology, social interaction and content creation. Social media allows people to generate, organize, share, edit and comment on web content through several means. Examples of Social Media sites include, Facebook, Twitter, MySpace, YouTube, Flickr, and blogs.

I. Cloud Computing means the practice of using a network of remote servers hosted on the Internet to store, manage, and process data, rather than a local server or a personal computer. It is often delivered as a service to an end-user or organization in the form of software-as-a-service (SaaS), infrastructure-as-a-service (IaaS), and platform-as-a-service (PaaS).

J. Instant Messaging means an online exchange of short electronic messages via the Internet or a cellular network using software installed on a personal computer or mobile device.

K. City Protected Data means any data that contains personally identifiable information concerning any individual and is regulated by local, state, or Federal privacy regulations.

L. City Sensitive Data means any data that is not City Protected Data, but is information that the City would not distribute to the general public.

M. City Public Data means any data that the City has approved for distribution to the general public.

N. Outlook Cabinet means a folder outside of a User’s E-mail Inbox configured within the Outlook program.

O. Microsoft Office 365 means a suite on Cloud Computing applications and services provided by Microsoft, including Exchange Online, Skype for Business, Office Online, eCompliance, and more, accessed through the Office 365 Online Portal and/or desktop software, paid for via an annual subscription plan(s).

P. In-Place Hold means a method of preserving electronic messages and other data in Office 365 and making it available for eDiscovery searches.

IV. POLICY

It is the general policy of the City of San Leandro that City computers, computer files, E-Mail system, Internet and Intranet access, Cloud Computing services, and the software
furnished to City employees are City property to be used for City business. While the use of the computer, E-Mail and Internet and Intranet is intended for job-related activities, incidental and occasional personal use is permitted, with supervisor approval so long as it does not interfere with the employee's work or violate the provisions of this policy. Users are expected to use the City's technology in a professional manner that supports the efforts of the City and does not diminish productivity. The City's Electronic Communications System, including Office 365, instant messaging, teleconferencing and videoconferencing, may not be used to solicit or persuade others for commercial ventures, religious or political causes, outside organizations, criminal activity or other non-job related solicitations. All information stored or transmitted on City equipment and the Electronic Communications System is the property of the City and may be accessed by the City at any time. Any violation of this regulation may result in disciplinary action.

A. Electronic Communication System

1. Information on the Electronic Communications System is not private. The Electronic Communications System and all Electronic Communications are the property of the City. The City has the right, but not a duty, to inspect or audit any and all Electronic Communications, at any time, for any lawful purpose, with or without notice to any User. Accordingly, no User shall have any expectation of privacy regarding the content of any Electronic Communication. Users should also be aware that access to Internet sites from City computers creates an electronic trail which may be traced back to a City computer or User.

2. The Electronic Communications System shall be used in a professional manner. Users shall comply with all relevant City regulations and copyright laws when using the Electronic Communications System and City Web Access. Inappropriate and prohibited uses include, but are not limited to: threats; slander/libel; defamation; obscene, suggestive or offensive graphic images or messages including any access of pornographic materials; political, private (for profit), or criminal activities; and use of unauthorized software including games or other entertainment software. Staff working in investigative functions for the Police Department whom may be required to access such materials in the normal course of their duties shall be considered exempt for such purposes.

3. Electronic Access Outside of Business Hours. It is the general policy of the City that all work by non-exempt employees shall, to the extent possible, be completed during the employee's normally scheduled work day or shift. As such, all employees conducting official City business, whether using City-issued email accounts or personal email accounts, are not required nor are they expected to access the Electronic Communications System outside of the employee's normally scheduled work day or shift. Employees who spend more than a minimal amount of time accessing the Electronic Communications System (i.e., more than fifteen minutes in a day) outside of the normally scheduled work day or shift must obtain pre-approval from their supervisor.
Department Head, or the City Manager and must report the time spent as working hours on their timesheet.

B. Electronic Mail

1. *The E-Mail System is intended as a convenient and efficient method of communicating transitory information in an electronic format.* The E-Mail System is not intended as a tool for the storage of data, meaning that attachments and other media should be downloaded and saved to authorized file storage locations, as specified elsewhere in this document.

2. *Automatically forwarding City business-related E-Mails from a User’s City E-Mail account to a User’s personal E-Mail account is not allowed.* Users are also prohibited from forwarding City business E-Mails containing confidential information to personal E-Mail accounts. Users are cautioned that any City business E-Mail forwarded to a personal account may subject that entire personal E-mail account to a Public Records Act request.

3. *Routine backup of the City’s E-Mail system is part of the Office 365 program and services provided by Microsoft.* It should not be expected that individual E-mail messages, files, or other electronic media can be accessed or restored outside of the parameters defined by this Policy.

4. *The E-Mail System for individual Outlook E-mail boxes will be automatically purged.* All information on the E-Mail in individual Outlook Inbox, Sent and Deleted Box is subject to automatic purging (deletion) by the City in accordance with the City’s Record Retention Schedule and set forth below. All incoming and sent E-Mails are subject to an in-place hold for two years.

   a. The purge cycle for E-Mail messages in the User’s Inbox, Sent and Deleted Box, as well as calendar, tasks and notes items shall be set at 2 years and 1 day.

   b. E-mail messages may be retained beyond this period by manually copying them to the User’s Online Archive (or by saving messages as files outside of Outlook).

   c. E-mail messages in the User’s “Outlook Cabinet” will not be purged. As of the July 2015 conversion to Office 365, the Cabinet Folder will no longer be deployed and is to be replaced by the Online Archive (legacy Cabinet folders will remain active within the Online Archive).

   d. With Department Head approval, exemptions can be made to an individual user’s purge policy.

2/16/16
5. **Online Archive Long-term Storage Feature.** Each user shall be provisioned an Online Archive available in Outlook and/or Office 365 Online. The “Archive” feature of the E-Mail system is intended for use as an alternate storage location in which to save historical messaging data. Messages manually copied to a User’s Online Archive will not be purged.

6. **All User E-Mails.** The E-Mail System is capable of simultaneously transmitting information to “All” (and/or “All_Plus”, which includes the City Council) of the E-Mail System or All E-Mail Users in a building (City Hall). The contents of E-Mails or voicemail messages to All Users or all building/s require prior approval by the User’s manager.

7. **Do not attempt to disguise the origin of an E-Mail or access other User’s E-Mail.** No User shall attempt to disguise the origin of any E-Mail, unless authorized by the Chief of Police for a criminal investigation. No User shall access, or attempt to access, another User’s E-Mail unless authorized by (1) the other User, or (2) the other User’s supervisor, or (3) the City Manager. This does not apply to Information Technology staff. With approval from the Information Technology Manager, staff may access any electronic file in the course of their regular duties, i.e. records request, large file review, etc. Similarly, Staff working in investigative functions for the Police Department whom may be required to perform such actions in the normal course of their duties shall be considered exempt for such purposes.

8. **Use of Personal E-Mail Account in lieu of City-issued Account.** Under certain circumstances, it may be deemed necessary and/or preferable that an employee not be provisioned a City-issued email account. Under such circumstances, these employees may communicate with City Staff using a personal email account (e.g., Gmail, Yahoo, etc.). It is the City’s general policy that Employees using personal email accounts for official City business be authorized to conduct such activities only during their pre-approved, normally scheduled work hours with reasonable exceptions, such as reviewing work schedules and communicating with supervisory staff, as needed, in order to effectively perform one’s duties.

C. **Social Media**

Please refer to the City of San Leandro’s Social Media Applications Policy, AP-1011.

D. **Instant Messaging**

Instant messaging shall be provided on City-issued software, such as Skype. Instant messages will be saved in a User’s E-mail inbox under “Conversation History.” The same guidelines that apply to E-mail shall apply to instant messages sent and received on City-issued software.
E. Data Storage Usage.

The City may make available multiple file storage systems, including local, network, and Cloud Computing file storage systems. Files in these Systems must adhere to the same rules as files on the City’s local area network servers. Files may be disclosable pursuant to the California Public Records Act.

The table below includes a Data Classification index and identifies the City’s Guidelines for using data storage devices to store, share, create, edit, and archive City-owned files. Important note: these guidelines apply only to those data storage locations that City of San Leandro staff have general access to and that are unrelated to specific hosted solutions the City may have in use (i.e., data created and stored on hosted systems in the normal course of using said systems, including but not limited to: the body camera system, permitting system, asset maintenance system, and others are to be considered exempt from these guidelines).

<table>
<thead>
<tr>
<th>Data Classification</th>
<th>Cloud Storage (See appendix for approved services)</th>
<th>Network Storage (City Network Account and permission required for access)</th>
<th>Local Storage (i.e., Desktop PC, Laptop, tablet, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Protected Data</td>
<td>Not Allowed</td>
<td>Allowed</td>
<td>Not Allowed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No special requirements, subject to any applicable laws</td>
<td></td>
</tr>
<tr>
<td>City Sensitive Data</td>
<td>Allowed But Not Advised</td>
<td>Allowed</td>
<td>Allowed But Not Advised</td>
</tr>
<tr>
<td></td>
<td>Subject to Dept. Head/Supervisor review</td>
<td>No special requirements, subject to any applicable laws</td>
<td>Requires Dept. Head/Supervisor approval</td>
</tr>
<tr>
<td>City Public Data</td>
<td>Allowed</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td></td>
<td>No special requirements</td>
<td>No special requirements</td>
<td>No special requirements</td>
</tr>
</tbody>
</table>

F. Records Retention

1. All “public records” (which generally means any writing, whether electronic or paper, that contains information relating to the conduct of the public’s business) are governed by the mandatory public disclosure requirements of the Public Records Act and its exceptions (Government Code §§ 6250 et seq.). All E-Mails received or sent will be kept on an In-Place Hold to preserve such items immutably for two (2) years. The In-Place Hold shall include all instant messages sent or received on City-owned software, which will be saved in a User’s E-mail inbox and treated like E-mail. After two years, all E-Mails in the
In-Place Hold will be subject to the purge cycle and, if deleted, will not be recoverable. Accordingly, Users are required to determine whether information transmitted or received through via E-Mail is a record that needs to be retained for more than two years and should use the Online Archive to save messages deemed so. Users with any questions related to whether an E-Mail should be retained as a public record shall consult with their manager, and/or the City Attorney’s Office

2. E-Mail messages which are intended to be retained in the ordinary course of the City’s business are recognized as official records that need protection/retention in accordance with the California Public Records Act as set forth in the City’s Records Management Program Policy. E-Mail communications which are intended to be retained as an official record should be stored in an appropriate electronic format, including the Online Archive, and/or printed and the hard copy filed in the appropriate subject file.

G. Protect Confidential Information

The use of E-Mail Encryption is required when sending information that can be deemed confidential. Users shall treat all information as “confidential” if there is any possibility that the information could be considered personal (such as personnel or medical records), or private (such as proprietary or financial information received from a third party), or if it could potentially expose the City to liability. Only certain City Staff shall be authorized to send encrypted (and thus confidential) information through email. If you authorized to do so and are sending a confidential E-Mail, it is required that you encrypt the message per the Information Technology Division’s specifications. If you are not authorized to send confidential information, you must notify your supervisor for guidance on the matter. It is also recommended that you include the following text when sending any confidential information:

CONFIDENTIALITY NOTICE: This electronic mail message and any accompanying documents are for the sole use of the intended recipient(s) and may contain CONFIDENTIAL and/or PRIVILEGED information. Any unauthorized disclosure, copying, distribution, use, or the taking of any action in reliance upon this communication is strictly prohibited. If you receive this communication in error, please contact the sender by reply E-Mail or by phone and destroy all copies of the original message and any attachments. Opinions, conclusions and other information in this message that do not relate to the official business of the City of San Leandro shall be understood as neither given nor endorsed by it.

H. Account Provisioning

The City shall provide all City employees (full time, part time, seasonal, and temporary), approved contractors and volunteers with a City-issued network account and access to City technology infrastructure, as is required to perform their assigned duties and tasks.
The City shall only provide a City-issued E-mail account, access to certain Cloud Computing services, including instant messaging, online file storage, the City’s intranet portal, and other systems to full time, permanent City employees. Any part time, seasonal, contract, or temporary employee and/or volunteer will require approval from their Supervisor, Department Head, or the City Manager in order to have an E-mail account created and/or access to Cloud Computing services. Departments seeking an additional E-mail account and/or access to additional Cloud Computing services shall provide an account number for allocation of associated charges.

In the event of an extraordinary circumstance, an E-mail account may be created without an approval if it is reasonably expected that such approval will be granted.

I. Printing of Electronic Media in Hard Copy Form

The City may use technology to enforce restrictions on printing to City-owned devices, which include: desktop printers, network printers, copiers, scanners, fax machines, etc. These restrictions may include preventing certain color print jobs, simplex-mode printing (single sided), and large print jobs (e.g., greater than 500 pages). In such instances, print requests may be redirected to appropriate City-approved devices/locations.
AP 1070 Attendance management program.pdf
I. APPLICABLE TO

All employees.

II. PURPOSE

Regular attendance and punctuality are expected of all City employees. Unsatisfactory attendance caused by unscheduled absences and tardiness cause a disruption in work, affects productivity and creates morale problems when workloads are shifted to other employees. The City recognizes that unscheduled absences occur occasionally because of illness or disability. The City will work with employees in such situations. However, the existence of accrued leave(s) shall not excuse unacceptable attendance practices.

III. GUIDELINES

The attendance record of each employee will be reviewed, at least annually, by the employee's supervisor. The purpose of the review is to evaluate each employee's attendance record according to the following criteria:

Attendance: Individual employee attendance records showing a rate of sick leave usage exceeding or likely to exceed sixty-four hours in a calendar year, unauthorized absences and/or tardiness or pattern of absenteeism (absences immediately preceding or following week-ends, holidays or scheduled days off) may be cause for further supervisory review to determine if the usage is legitimate.

Punctuality: Individual employee attendance records showing a repeated failure to report to work at the designated starting time or repeated failure to resume working following established breaks will be considered for possible corrective action.

IV. PROCEDURE

Where the attendance record suggests the need for corrective action, the manager will, on a case by case basis, take into consideration the following in determining if, and what, action is necessary: the number and duration of absences or instances of tardiness; the reasons for the absences; the length of time the employee has demonstrated unacceptable use of sick leave.

If an employee's attendance/punctuality record is excessive and corrective action is appropriate, the following approach shall be utilized:

10/01/2010
A. **Counseling:** Counseling is intended to bring to the attention of the employee his/her record of excessive absences and/or lack of punctuality, apprise the employee of the employee's need to correct the identified problem, and to explore alternatives available to address the matter. Through appropriate employment of the methods outlined above, most attendance and/or punctuality problems can be resolved successfully. Where such problems continue, future action may become appropriate.

B. **Written Reprimand/Warning:** A written reprimand is intended to notify the employee in writing that his/her attendance and/or punctuality is unacceptable and must be corrected within a specified time period. In addition, the written reprimand is intended to notify the employee that if the attendance or tardiness problem is not corrected within the prescribed time frame, more serious disciplinary action may result.

C. **Suspension Without Pay/Reduction in Pay:** Where the attendance or tardiness problem persists, suspension without pay or a reduction in pay may be necessary.

D. **Termination:** When the prior efforts to have the employee correct attendance and/or tardiness problems proved unsuccessful and where further steps would continue to be unsuccessful, termination may be necessary.

E. **Additional Considerations:** As the circumstances leading up to, and the issues surrounding unacceptable attendance vary, a number of additional actions may be appropriate prior to or during the disciplinary process to address the attendance issue:

   1. **Employee Assistance Program:** Unacceptable attendance may be the result of personal or family issues which the employee is confronting. In these circumstances, and others, the City's employee assistance program makes available to employees short term, professional assistance in addressing the causes underlying the attendance issues.

   2. **Medical Evaluation:** Unacceptable attendance may be caused by medical reasons of which the employee is unaware. A City scheduled medical examination may therefore be appropriate.

   3. **Physician Verification:** In some circumstances (illness or injury longer than three days in cases of potential sick leave abuse) an employee may be required to provide a written physician's certificate attesting to the illness/disability.

10/01/2010
Supplemental Hate Crime Report.pdf
# SUPPLEMENTAL HATE CRIME REPORT

**POST 2-365 (01/2023)**

**State of California – Department of Justice**

## VICTIM

### VICTIM TYPE

- **Individual**
  - Legal name (Last, First):

- **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
- **Legal name (Last, First):**
- **Other Names used (AKA):**
- **Date of Birth** | **Age** | **Sex** | **Race**
- **Relationship to Victim:**

#### Relationship Between Suspect & Victim
- **Suspect known to victim:** Yes □  No □
- **Nature of relationship:**
- **Length of relationship:**
- **Prior reported incidents with suspect:** Total # ______
- **Prior unreported incidents with suspect:** Yes □  No □  Unknown □

### Weapons/Force
- **Weapon(s) used during incident:** Yes □  No □
- **Force used during incident:** Yes □  No □
- **Type:**

### Evidence
- **Witnesses present during incident:** Yes □  No □
- **Statements taken:** Yes □  No □
- **Evidence collected:** Yes □  No □
- **Photos taken:** Yes □  No □
- **Recordings:** Video □  Audio □  Booked □
- **Suspect identified:** Field ID □  By photo/video □  Known □

### Resources
- **Resources offered at scene:** Yes □  No □
- **Marsy’s Law Handout** □  **Hate Crimes Brochure** □  **Other:**

### Medical
- **Victim** □  **Suspect** □
- **Declined medical treatment** □
- **Will seek own medical treatment** □
- **Received medical treatment** □
- **Injuries observed** □

### Completed by

**Name/Title/ID number**

**Date**